



# Council of Europe Action Plan for Armenia 2019-2022





# **Council of Europe**

## **Action Plan for Armenia 2019-2022**

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## EXECUTIVE SUMMARY

The Council of Europe Action Plan for Armenia 2019-2022 is a strategic programming instrument that aims to bring Armenia's legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy. The Action Plan is intended to support the country's efforts to honour its obligations as a Council of Europe member State.

The Action Plan priorities take into account relevant judgments of the European Court of Human Rights (ECtHR) and decisions, resolutions, recommendations, conclusions of reports and opinions, notably of: the Committee of Ministers (CM), the Parliamentary Assembly (PACE), the Congress of Local and Regional Authorities (the Congress), the Commissioner for Human Rights (the Commissioner), the European Commission for Democracy through Law of the Council of Europe (Venice Commission), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the European Committee of Social Rights (ECSR), the European Commission for the Efficiency of Justice (CEPEJ), the European Commission against Racism and Intolerance (ECRI), the European Convention on Action against Trafficking in Human Beings, the Advisory Committee on the Framework Convention for the Protection on National Minorities (ACFC), the European Charter for Regional or Minority Languages (ECRML), the Group of States against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL). It also takes into account the national reform agenda of Armenia, including the National Action Plan for the Protection of Human Rights 2017-2019.

Under this Action Plan the Council of Europe and Armenia have agreed to carry forward jointly, through co-operation programmes, reforms aiming to enhance the independence, transparency and efficiency of the judiciary, to harmonise the implementation of European human rights standards, to enhance protection of human rights in the armed forces and prisoners' rights to health care, to combat ill-treatment and impunity in detention centres, to support police reform and the implementation of criminal justice reform, to reduce the misuse of pre-trial detention and to enhance the use of the probation service. Emphasis will also be placed on countering discrimination on all grounds, protecting the rights of minorities, protecting personal data, and improving media freedom, the safety of journalists and internet governance. It has also been agreed to enhance integrity in higher education and in electoral processes, to prevent and combat corruption, cybercrime and violence against women and children, to promote gender equality, children's and patients' rights, as well as economic, social and labour rights, and to strengthen local governance and youth policy.

Parties across the political spectrum have articulated their commitment to furthering democratic consolidation in the interest of the Armenian people. Furthermore, the reforms undertaken in the electoral field to date and the broad public support to the efforts to combat corruption, are all encouraging signs that underscore a shared understanding of the importance of ensuring that reforms continue. The Council of Europe will support any future government in advancing priority reforms based on European human rights, rule of law and governance standards. The present Action Plan builds on the achievements of the previous Action Plan 2015-2018. The major outcomes of the latter include: strengthening of human rights and fundamental freedoms protection in the amended Constitution; enhanced legal and institutional frameworks for the independence and accountability of the judiciary and the prosecution service; strengthened constitutional justice and improved protection of human rights in the armed forces. Other noticeable outcomes include: a reinforced role for the Human Rights Defender, including as a National Preventive Mechanism, and an improved capacity to fight and investigate ill-treatment and to combat corruption in higher education. The establishment of the probation service and the improvement of health care provision in prisons have brought the prison system closer to European standards. The adoption of a revised Electoral Code improved the legal and institutional frameworks for the conduct of elections, while the Law on Political Parties liberalised the regulations for the establishment and registration of political parties. Enabling legislation supported decentralisation and boosted local self-governance, which benefited from the strengthened capacity of the Communities Association of Armenia. The adoption of a law against domestic violence and the signature of the Istanbul Convention have paved the way for that instrument's future ratification.

The overall budget for this Action Plan totals approximately €18.9 million. Funding amounting to €0.1 million has been secured. Further funding is essential to address the priorities identified in this Action Plan for 2019-2022.

The Council of Europe and Armenia will continue co-operation to improve existing legislative frameworks, to ensure their effective implementation and to enhance the capacities of national institutions in bringing the country's legislation and practice closer to European standards in order to promote human rights, strengthen the rule of law and ensure democratic principles of governance.

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**LIST OF ACRONYMS AND ABBREVIATIONS**

ACFC	Advisory Committee on the Framework Convention for the Protection on National Minorities
Action Plan	Council of Europe Action Plan for Armenia
ADA	Austrian Development Agency
ADR	Alternative Dispute Resolution
Budapest Convention	Convention on Cybercrime
CAA	Communities Association of Armenia
CBM	Confidence Building Measures
CCJE	Consultative Council of European Judges
CCPE	Consultative Council of European Prosecutors
CEB	Council of Europe Development Bank
CEPA	Comprehensive and Enhanced Partnership Agreement
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
CPT	Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DPA	Data Protection Authority
EaP	Eastern Partnership
ECHR	European Convention on Human Rights
ECLSG	European Charter for Local Self Government
ECRI	European Commission against Racism and Intolerance
ECRML	European Charter for Regional or Minority Languages
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EDC/HRE	Charter on Education for Democratic Citizenship and Human Rights
Revised ESC	Revised European Social Charter
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
GDPR	General Data Protection Regulation
GIZ	German Agency for International Co-operation
GR-DEM	Rapporteur Group on Democracy
GRECO	Group of States against Corruption
GRETA	Group of Experts on Action against Trafficking in Human Beings
HELP	European Programme for Human Rights Education for Legal Professionals
HRD	Human Rights Defender
HRD Office	The Office of the Human Rights Defender
Istanbul Convention	Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
JSC	Judicial Supreme Council
Lanzarote Convention	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
MoD	Ministry of Defence
MoJ	Ministry of Justice

MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NGO	Non-governmental organisation
NPM	National Preventive Mechanism
OB	Ordinary budget
ODGP	Office of the Directorate General of Programmes
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
Oviedo Convention	Convention on Human Rights and Biomedicine
PACE	Parliamentary Assembly of the Council of Europe
PGG	Council of Europe-European Union Joint Project Partnership for Good Governance. Former Programmatic Co-operation Framework (PCF)
PMM	Project Management Methodology
SDC	Swiss Agency for Development and Co-operation
SIDA	Swedish International Development Co-operation Agency
SJC	Supreme Judicial Council
SOGI	Sexual Orientation and Gender Identity
The Centre	Council of Europe Centre of Expertise for Local Government Reform
The Commissioner	Council of Europe Commissioner for Human Rights
The Congress	Council of Europe Congress of Local and Regional Authorities
UN	United Nations
UN SDG	United Nations Sustainable Development Goal
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
Venice Commission	European Commission for the Democracy through Law

## **PART I - INTRODUCTION**

### **1.1 GENERAL OVERVIEW**

#### **1.1.1 Armenia and the Council of Europe**

Armenia joined the Council of Europe on 25 January 2001 as its 42<sup>nd</sup> member State. Accordingly, it has entered into, and has agreed to honour, a number of specific commitments which are listed in Parliamentary Assembly (PACE) Opinion 221(2000)<sup>1</sup> on Armenia's application for membership of the Council of Europe. Armenia also, accepted the obligations incumbent on all member States under Article 3 of the Statute: compliance with the principles of pluralist democracy and the rule of law as well as respect for human rights and the fundamental freedoms of all persons placed under its jurisdiction.

To date the country has signed and ratified 62 treaties of the Council of Europe and is committed to a number of Council of Europe mechanisms, including those of the European Court of Human Rights (ECtHR), the Committee of Ministers (CM), the Parliamentary Assembly (PACE), the Congress of Local and Regional Authorities (the Congress), the Commissioner for Human Rights of the Council of Europe (the Commissioner), the European Commission for Democracy through Law (Venice Commission), the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture (CPT), the Group of States Against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL), the European Committee of Social Rights (ECSR), the Framework Convention for the Protection of National Minorities (FCNM), the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), the European Charter for Regional or Minority Languages (ECRML).

Armenia has benefited from co-operation programmes in the framework of the Council of Europe's Action Plans since 2005. Past programmes backed by the European Union (EU) aimed to enhance the independence and accountability of the justice system, including the judiciary, to bring criminal justice closer to European standards and combat ill-treatment, to improve detention conditions in prisons by strengthening the protection of inmates' human rights and their access to health care, to combat corruption in higher education and to promote reform of electoral legislation and practice. Similarly, voluntary contributions by Council of Europe member States have been used to enhance the application of human rights standards in the armed forces, to establish the probation service and promote its use, and to promote governance at local level and decentralisation.

The Council of Europe sets out to provide support to priority reforms undertaken to advance the country's democratic agenda.

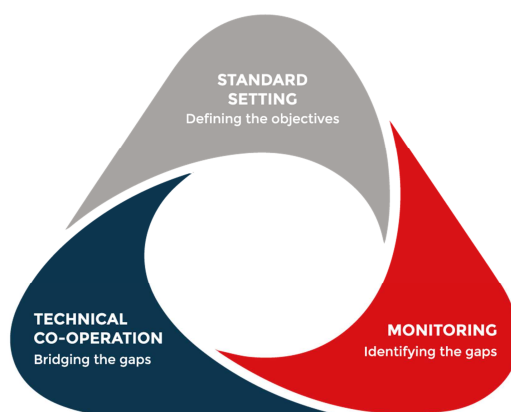
#### **1.1.2 Added value of the technical assistance programmes of the Council of Europe**

Council of Europe technical assistance programmes form an integral part of the unique strategic triangle (Fig. 1) of standard-setting, monitoring and co-operation: the development of legally binding standards is linked to their monitoring by independent mechanisms and supplemented by technical co-operation to facilitate their implementation. The Organisation's actions are developed and implemented in areas where the Council of Europe has strong expertise and added value.

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<sup>1</sup> [Opinion No. 221 on Armenia's application for membership of the Council of Europe: 28.06.2000](#)





**Figure 1: Council of Europe Strategic Triangle**

### 1.1.3 Main findings of monitoring mechanisms and expert advisory bodies

The Action Plan builds, to a large extent, on the most recent decisions, resolutions, recommendations, report conclusions and findings of the Council of Europe’s monitoring and expert advisory bodies in respect of the country, as well as on the results of the previous Action Plan with the Council of Europe. It also takes into account the challenges identified in the Secretary General’s annual reports on the State of Democracy, Human Rights and the Rule of Law in Europe.

In addition, the Action Plan reflects the priorities of the country’s reforms, notably those identified in the Government Program of the Republic of Armenia, the Comprehensive and Enhanced Partnership Agreement signed between Armenia and the European Union (CEPA) on 24th November 2017, country sectorial programmatic strategies such as the 2016-2025 Territorial Development Strategy, the Strategy for Legal and Judicial Reform 2018-2023<sup>2</sup> and the Draft Roadmap on Decentralisation, among others. The Council of Europe contributed to the last two strategies.

In developing the Action Plan and, in particular, designing the technical co-operation support given to reforms, the gaps identified by the following Council of Europe institutions, monitoring mechanisms and expert advisory bodies have been taken into account:

#### HUMAN RIGHTS

- **European Court of Human Rights (ECtHR)** [case-law in relation to Armenia](#), in particular on ill-treatment, torture, death of military conscripts and the lack of effective investigation and adequate medical care, and unlawful detention.
- **Committee of Ministers of the Council of Europe (CM)** [decision on the execution of judgments concerning the lack of medical care while in detention](#).
- **CM Recommendation on Human Rights of Members of the Armed Forces**.
- **Parliamentary Assembly of the Council of Europe (PACE)** [Resolution 2077 \(2015\) on abuse of pre-trial detention in States Parties to the European Convention on Human Rights](#).
- **European Commission Against Racism and Intolerance (ECRI)** [recommendations on Armenia, highlighting issues relating to the legal and institutional frameworks for countering discrimination and promoting a national integration strategy](#).
- **Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC)** [recommendation calling for a proactive approach to promote the rights of minorities, to intensify efforts to guarantee access to school for Yezidi girls and pre-school education for all minority children and to criminalise forced marriages](#).
- **CM Resolution (2018)5 on the implementation of the Framework Convention for the Protection of National Minorities (FCNM) by Armenia**.

<sup>2</sup> It has not yet been adopted by the government.

- **European Charter for Regional or Minority Languages (ECRML)** recommendation calling for a proactive attitude to the protection and promotion of minority languages in the media, public life and before the administration and judicial authorities.
- **CM Recommendation (2017)2 on the application of the ECRML by Armenia.**
- **Commissioner for Human Rights (the Commissioner)** recommendations [on effective investigations into allegations of serious human rights violations, including ill-treatment, on excessive use of pre-trial detention](#) and [on combating violence against women and domestic violence](#).
- **European Committee of Social Rights (ESCR)** [conclusions relating to the implementation of the accepted provisions of the revised European Social Charter \(revised ESC\), in particular those highlighting shortcomings in the legal framework and its practical implementation](#).
- **European Convention on Action against Trafficking in Human Beings** [recommendation on strengthening the prevention of trafficking in children in a vulnerable situation, especially those from rural areas who are at risk of child labour, girls from the Yezidi community and children placed in child care institutions](#).

## RULE OF LAW

- **European Commission for the Democracy through Law (Venice Commission)** opinions on constitutional and legislative reforms, especially those addressing the [independence and accountability of the judiciary and the prosecution service](#).<sup>3</sup>
- **Commissioner for Human Rights (the Commissioner)** recommendations on the [independence, impartiality and effectiveness of the justice system](#) and on [equality of arms, the right to a defence and pre-trial detention](#).
- **Consultative Council of European Judges (CCJE)** opinions relating to the independence, impartiality and competence of judges, including the [Opinion on the Role of Court Presidents 19\(2016\)](#).
- **Consultative Council of European Prosecutors (CCPE)** [opinions on European norms and principles concerning prosecutors](#).
- **European Commission for the Efficiency of Justice (CEPEJ)** [Report on European Judicial Systems: Efficiency and Quality of Justice \(edition 2018\)](#) and [Armenia: Evaluation exercise – 2016 edition](#).
- **Committee of Ministers of the Council of Europe (CM)** [recommendation Rec\(2000\)21 on the Freedom of Exercise of the Profession of Lawyer](#).
- **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)** [recommendations on Armenia regarding measures to safeguard against ill-treatment of persons in police custody, to address the inadequate staffing levels, material conditions, overcrowding and health care services within the penitentiary system and in other closed institutions, and to promote probation and electronic monitoring](#).<sup>4</sup>
- **The Commissioner's** [recommendations on freedom of expression and of the media](#).
- **CM recommendations** to member States regarding freedom of expression, [media pluralism and transparency of media ownership](#), and [the internet](#).
- **Group of States against Corruption (GRECO)** [recommendations from the joint first and second round evaluation and on the prevention of corruption in respect of members of parliament, judges and prosecutors](#),<sup>5</sup> [from the fourth evaluation round](#).
- **Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)** [conclusions on Armenia regarding the level of implementation in practice of legislation to combat money laundering and the financing of terrorism on Armenia regarding the level of implementation in practice of legislation to combat money laundering and the financing of terrorism](#).

<sup>3</sup> [CDL-AD\(2015\)038—CDLAD\(2017\)019e-](#)

<sup>4</sup> [CPT/Inf\(2016\)31](#)

<sup>5</sup> [GRECO fourth evaluation round, Prevention of corruption in respect of members of parliament, judges and prosecutors, compliance report, Armenia, December 2017.](#)

## DEMOCRACY

- **European Commission for the Democracy through Law (Venice Commission)** [Joint Opinion on the Draft Electoral Code](#) and [Second Joint Opinion on the Electoral Code](#); [Joint Opinion on the Draft Constitutional Law on Political Parties](#); [Joint Opinion on the Draft Law on Referendums](#).
- **Parliamentary Assembly of the Council of Europe (PACE)** resolutions on the [Functioning of Democratic Institutions in Armenia](#) and [Election Observation Report on the Parliamentary Elections of 2 April 2017](#).
- **Organisation for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR)** Election Observation Mission [Statement of Preliminary Findings and Conclusions](#) and [Final Report](#) on the parliamentary elections of 2 April 2017.
- **Group of States against Corruption (GRECO)** [recommendations regarding the need to enhance transparency, independence and accountability of the political process](#).
- **Council of Europe Congress of Local and Regional Authorities** [European Charter of Local Self-Government](#) and its [Additional Protocol on the Right to Participate in the Affairs of a Local Authority](#).
- **Council of Europe Congress of Local and Regional Authorities (the Congress)** [Recommendation 351\(2014\) on local democracy in Armenia calling for actions to implement the provisions of the European Charter of Local-Self Government and its additional protocol on the right to participate in the affairs of a local authority](#).
- **Committee of Ministers of the Council of Europe (CM)** [Recommendation \(2018\)4](#) relating to Democratic Participation, Institutional Capacity and Local Finance.

Relevant Council of Europe conventions and other instruments, such as the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (CEDC/HRE), have also been used as reference material for co-operation measures included in this Action Plan.

### Main results of the previous Action Plan

The present Action Plan takes into account the outcomes of the second Action Plan for Armenia 2015-2018:<sup>6</sup>

- the adoption of the amended Constitution brought the mechanisms for guaranteeing human rights and fundamental freedoms, and the structure and functioning of justice and local governance, closer to European standards;
- the adoption of the Constitutional Law on the Human Rights Defender (HRD) strengthened this institution's role and capacity to protect and promote human rights, including as a National Preventive Mechanism;
- an enhanced legal framework to combat ill-treatment and impunity as a result of an improved draft Criminal Procedure Code and reinforcement of the professional capacities of 112 candidate investigators and 650 investigators to monitor and investigate ill-treatment;
- enhanced protection of human rights in the armed forces as a result of an improved legal framework; heightened awareness of human rights standards among the relevant stakeholders; increased capacity of educational and training institutions to promote human rights standards within the military, and capacity of the Armenian government to execute the relevant judgments of the European Court of Human Rights (ECtHR);
- adoption of a national law against domestic violence and signature of the Istanbul Convention, constituting a preliminary step towards its future ratification;
- adoption of the law on the Constitutional Court, largely in line with European standards;
- adoption of the Constitutional Law on the Judicial Code, laying the groundwork for enhanced independence of the judiciary by introducing several improvements in the management and administration of the judiciary, including the establishment of the Supreme Judicial Council (SJC);
- the new Law on the Prosecutor's Office, which improved the recruitment procedures for prosecutors and strengthened the Ethics Committee dealing with prosecutors;
- adoption of a new Civil Procedure Code;

<sup>6</sup> <https://rm.coe.int/plan-d-action-armenie-2015-2018-fr/1680730d97>

- improved legal and institutional framework regarding alternative dispute resolution mechanisms, ensuring enhanced access to justice;
- the adoption and gradual entry into force of the Law on Probation followed by the establishment of the probation service and its successful operationalisation in two regions;
- legislative, institutional and professional improvements, which enhanced the provision of health care in prisons, including through the establishment of the Penitentiary Medicine Centre, a State Non-Profit Organisation, an increased capacity of 800 trained medical and non-medical staff, and improved conditions in primary health care units in 11 prisons;
- higher education institutions are better equipped to prevent corruption as a result of an improved draft Law on Higher Education and the development of integrity mechanisms;
- the adoption of the revised Electoral Code and the Law on Political Parties, which respectively improved the legal and institutional framework for the conduct of elections and liberalised the regulations governing the establishment, registration and activities of political parties;
- the adoption of an improved legal framework, which contributed to the decentralisation process and to strengthened governance at local level, including an increased institutional capacity of the Communities Association of Armenia (CAA) to influence the national policy agenda on local governance and local democracy; by June 2018 the amalgamation process had reduced the number of communities from 915 to 502, of which 52 were consolidated communities;
- the Justice Academy strengthened its capacity to sustainably build national capacities to implement reforms in compliance with human rights standards.

### **Consultation process**

This Action Plan has been prepared following in-depth consultations with the authorities of Armenia. Consultations with international partners, especially the European Union, have also taken place in the process of preparing this document.

On 12 June 2018 representatives of the Council of Europe Secretariat and the Armenian authorities held a Steering Committee meeting in Yerevan in order to assess the implementation of the Action Plan 2015-2018. On 2 October the Committee of Ministers of the Council of Europe (CM) examined the final report<sup>7</sup> on the implementation of the Action Plan and at its 1327<sup>th</sup> meeting, took note of its outcomes and instructed the Secretariat to prepare a new Council of Europe Action Plan for Armenia 2019-2022.

### **1.2 ACTION PLAN GOALS**

The present Action Plan is a strategic programming instrument for the period 1 January 2019 to 31 December 2022. Its goal is to support reforms which will bring Armenian legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy and therefore to support the country's efforts to honour its obligations as a Council of Europe member State. In meeting its objectives, this Action Plan will contribute to the implementation of the UN 2030 Agenda for Sustainable Development. This Action Plan will also contribute to the goals of the EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA) signed on 24 November 2017.

The Action Plan areas of co-operation are the following:

The Council of Europe will continue to support the authorities of Armenia in progressing with (and completing where possible) the reforms undertaken in strategic areas, notably:

- enhancing the implementation of the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR) case-law at national level, including by ensuring harmonised application of European human rights standards and the ECtHR case-law at national level by the judiciary;
- ensuring criminal justice reforms and their implementation in compliance with European human rights

<sup>7</sup> <https://rm.coe.int/plan-d-action-armenie-2015-2018-rapport-final/16808e6ef8>.

- standards, including regarding the prevention of torture and ill-treatment and ensuring application of pre-trial detention in line with the European standards;
- enhancing the application of human rights standards in the armed forces;
  - promoting gender equality, (including in the armed forces), ensuring equal access to justice and combating violence against women and domestic violence;
  - reforming the penitentiary system in line with European standards, enhancing the healthcare system in prisons and developing a fully-fledged probation service;
  - enhancing information security, access to public information and personal data protection;
  - ensuring an independent, transparent, accountable and efficient judiciary, including by supporting further improvements and the implementation of the Judicial Code and the National Strategy and the Action Plan for Legal and Judicial Reforms for 2018-2023 in line with European standards;
  - strengthening the alternative dispute resolution system and enhancing its application in line with European standards;
  - enhancing integrity and combating corruption in education;
  - improving the quality of local democracy through the effective implementation of the decentralisation strategy, strengthened local government and capacitated national associations of local authorities;
  - improving electoral legislation and practice, including combating electoral fraud, leading to increased confidence in the electoral process;
  - improving the transparency of the political process including by improving the legislation on party funding;
  - fighting cybercrime.

The Council of Europe and the Armenian authorities jointly identified new areas of co-operation on the basis of the more recent work carried out by Council of Europe institutions, monitoring mechanisms and expert advisory bodies, notably:

- strengthening the capacity of institutions to fight and prevent corruption and money laundering, and supporting a comprehensive reform of the police sector, including, *inter alia*, by addressing detention conditions, ill-treatment, corruption, as well as organisational and strategic planning;
- supporting Armenia in reforming its education sector, including by further combating corruption, and ensuring academic freedom, and increasing access to justice, including through strengthening of the legal and professional capacities of lawyers, advocates and their associations;
- improving the legal and institutional frameworks and national capacities to combat discrimination on all grounds, to provide redress mechanisms; enhancing the effective protection and promotion of the rights of minorities, including the use of minority languages in local administration, and access to all levels of education by minority children;
- strengthening child welfare and the system to protect children from violence, sexual exploitation and abuse, and to secure their economic, social and cultural rights;
- enhancing the protection of economic and social – including labour-rights in accordance with the revised European Social Charter (revised ESC) and its additional protocol;
- enhancing freedom of expression, media pluralism and the safety of journalists, and promoting internet governance in compliance with European human rights standards;
- enhancing the protection of human rights in the field of biomedicine and empowering youth non-governmental organisations in order to develop youth policies.

The Action Plan will focus on further enhancing existing legislative frameworks and ensuring their implementation, particularly those deriving from the amended Constitution, some of which were prepared in the context of the previous Action Plans for Armenia. Support to strengthen the capacity of relevant national institutions to implement reforms will continue. This includes the capacity to address gender issues and facilitate constructive dialogue between the authorities and civil society. Assistance will also be provided to further align legal and institutional frameworks and national practices with European standards in the context of the democratic reform process, which is expected to intensify in line with the national authorities' priorities.

Promoting gender equality is a priority of the present Action Plan. Gender mainstreaming, based on European standards and Council of Europe recommendations, will help better address the needs of individuals living in Armenia, without discrimination, and enhance the quality and effectiveness of the Action Plan's implementation.

## **PART II - PROPOSED ACTIONS FOR 2019-2022**

We set out below the actions proposed per pillar, as defined by the Programme and Budget 2018-2019.

### **2.1 HUMAN RIGHTS**

The amended Constitution adopted in December 2015 enhanced the legal and institutional framework for the protection and promotion of human rights and fundamental freedoms, including by broadening the scope and definition of human rights in line with European standards. There is nevertheless still a need to strengthen national capacities to undertake and implement reforms. This requires, *inter alia*, ensuring the consistent application of the European Convention on Human Rights (ECHR) by national courts; further enhancing the protection of human rights and gender equality in the armed forces; improving the prevention of and fight against ill-treatment and torture; making use of pre-trial detention only in line with the ECHR; ensuring relevant human rights safeguards in the criminal and criminal procedure legislation; preventing and combating discrimination, gender-based violence and child sexual abuse and exploitation; and protecting human rights in the field of biomedicine.

#### **2.1.1 Protecting Human Rights**

Armenia has made noticeable progress in the execution of judgments of the European Court of Human Rights (ECtHR) following the implementation of significant reforms that have enabled the country to close 54 cases out of 84 with final judgments (as of 4 October 2018). Despite the small number of cases currently pending before ECtHR, the issues undergoing enhanced and standard supervision by the Committee of Ministers point to significant structural problems that require sustained efforts. The cases<sup>8</sup> under enhanced supervision relate to ill-treatment/torture investigations, death of military conscripts and a lack of effective investigations, the lack of adequate medical care for persons in detention and access to homes and property for displaced persons in the context of the Nagorno-Karabakh conflict. The cases under standard supervision relate to pre-trial detention, non-enforcement or late enforcement of domestic judgments, violation of the principle of fair trial, etc. Significant measures have been taken by the authorities to address these issues, in some cases with the Council of Europe's assistance. However, further support is needed to assist the authorities in implementing the reforms necessary to improve application of the European Convention on Human Rights (ECHR) at national level. Comprehensive changes to the Criminal Code and Criminal Procedure Code will be instrumental in closing some of the aforementioned cases<sup>9</sup>.

##### **➤ Effectiveness of the ECHR System at National and European Level**

Ensuring the effective implementation of the European Convention on Human Rights (ECHR) and European Court of Human Rights (ECtHR) case-law at national level is a primary responsibility incumbent on all member States, including Armenia (as acknowledged in the Brighton and Brussels declarations). This requires further improving access to and understanding of the leading Convention principles and standards by justice chain stakeholders, relevant state institutions, including the training institutions for legal professionals, and also civil society players, so as to be able to invoke, monitor and apply in practice the ECHR and other human rights standards at national level. In this regard, the production of thematic publications on topics of particular interest

<sup>8</sup> Virabyan group, Muradyan case, Ashot Harutyunyan group, Chiragov and others case respectively.

<sup>9</sup> In September and October 2018 the European Court of Human Rights (ECtHR) adopted four new judgments regarding the ill-treatment of the applicants, unlawful detention and lack of fair trial, poor conditions of detention and violation of the right to freedom of peaceful assembly in the context of 2008 presidential elections and ensuing clashes on 1 March 2008 between the police, security forces and the demonstrators. The implementation of these judgments may require more involved assistance from and more active co-operation with the Council of Europe.

for Armenia, the translation into Armenian of the leading ECtHR case-law and publications,<sup>10</sup> combined with workshops, training and seminars on leading case-law of the ECtHR, will be instrumental in enhancing the capacities of the relevant national stakeholders to effectively implement the European human rights standards at national level.

Changes are expected to be introduced regarding the leadership of the Office of the Government Agent before the ECtHR and its Department for the execution of the ECtHR judgments. Building on the constructive co-operation established with this institution, the Council of Europe will continue to support the Government Agent with a view to further strengthening its capacity to efficiently fulfil its mandate through workshops, seminars and training on leading ECtHR case-law, and relevant study visits.

The Council of Europe also stands ready to continue the fruitful co-operation established with the national training institutions for legal professionals,<sup>11</sup> so as to increase training possibilities on human rights.

Council of Europe expert support with the drafting and implementation of the new Action Plan on Human Rights for 2019-2020, following on from the National Strategy on Human Rights Protection, will be part of the joint efforts to improve the effectiveness of the ECHR system at national level, as requested by the national authorities and proposed under the Action Plan.

One of the prerequisites for ensuring the effective implementation of the ECHR and ECtHR case-law at national level is that national courts are able to deliver decisions based on consistent application of the European standards, as the lack of harmonised judicial practice undermines legal certainty and, therefore, the overall protection of human rights.

In line with the principles of the Brussels Declaration (2015), the Council of Europe has been assisting the national authorities in applying European standards at national level through its support to the Court of Cassation, thereby playing a central role in ensuring coherent and consistent application of the ECHR and the ECtHR case-law, and to the Justice Academy. Despite the progress achieved, the ECHR and ECtHR case-law still need to be applied in a more harmonised way at national level.

Building on the results achieved through previous co-operation activities, the Council of Europe will continue supporting the Armenian authorities in further strengthening the special mechanisms aimed at ensuring more uniform application of human rights standards by national courts. It will, therefore, seek to enhance inter-judicial dialogue<sup>12</sup> and to strengthen the ECHR Unit in the Judicial Department of the Court of Cassation, which was established to support and guide judges in making consistent application of the ECHR and ECtHR case-law in their decisions. The ECHR Unit should be properly positioned within the context of the current judicial reform. The Action Plan will additionally seek to establish similar capacities at all levels of the judiciary and to further strengthen the capacity of judges to uniformly apply European standards and national case-law, thus contributing to delivering high quality justice.

#### ➤ **Supporting Criminal Justice Reform**

The Council of Europe has been supporting the authorities in aligning the national criminal justice policy and practice with European human rights standards, by providing considerable assistance with the process of drafting the new Criminal Code and Criminal Procedure Code and by building national capacities to investigate alleged cases of torture and ill-treatment, and combat impunity in line with European standards.

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<sup>10</sup> Including legal summaries of the most important cases cited in the Juriconsult's yearly overview, case-law guide, etc. All these publications, together with Council of Europe videos, will be posted on the Court's website and made available as training materials for a large number of operational partners, including judicial training centres and associations of legal professionals such as the Chamber of Advocates, the Justice Academy, and the Association of Judges of the Republic of Armenia.

<sup>11</sup> The Justice Academy, the School of Advocates and the Chamber of Advocates,

<sup>12</sup> As recommended in the needs assessment report on "Improving the Uniform Application of European Human Rights Standards in Armenia", prepared and published in the context of the project on "Strengthening the Application of the ECHR and ECtHR case law in Armenia" in 2014.

The criminal justice reform is on-going. Subject to the adoption of both criminal codes, the Council of Europe will support their implementation, including assistance in drafting the laws and by-laws associated with the new Criminal Code and Criminal Procedure Code in line with the European Convention on Human Rights (ECHR) and European Court of Human Rights (ECtHR) case-law. It will, likewise, strengthen the capacity of the relevant stakeholders, judges, prosecutors and investigators from the Investigative Committee, to implement the new legal provisions on the prevention of and fight against torture and ill-treatment through relevant methodologies and training. The Council of Europe will continue working with the Investigative Committee on strengthening human rights safeguards in their work. Another potential area of co-operation relates to the creation and implementation of a case management system for mutual legal assistance requests in criminal matters within the prosecution service, as requested by the national authorities.

The use of pre-trial detention in line with the ECHR and ECtHR case-law remains a significant challenge for the country, as highlighted by the Commissioner in his 2015 report and as recognised by the ECtHR in its case-law.<sup>13</sup> Building the capacity of the relevant stakeholders to ensure the proper application of pre-trial detention as a preventive measure in line with the ECHR will be a priority of the Action Plan.

➤ **Enhancing the Application of Human Rights in the Armed Forces and Strengthening the Rights and Role of Women in the Military Service in Armenia**

To ensure sustainability and complement the results achieved so far, the Council of Europe intends to continue its co-operation with the Ministry of Defence (MoD) in order to strengthen the application of European human rights standards in the armed forces. It therefore proposes to assist the authorities in further embedding European human rights standards in domestic legislation and practice, and in continuing to improve the prevention of human rights violations in the armed forces, including by further strengthening national capacities to investigate ill-treatment and non-combat deaths. The Action Plan will therefore include assistance to enhance further the professional capacity of both military service personnel and legal professionals, and the institutional capacity of the MoD (Human Rights and Integrity Building Centre of the MoD and training institutions) and that of the Human Rights Defender (HRD).

In addition, the Council of Europe stands ready to support the integration of the first ever female officers into active service as of 2018, in line with Armenia's national priority to fulfil its international commitment in respect of the UN Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325).<sup>14</sup> Special emphasis will be laid on promoting the role and the rights of women in the army and on improving their conditions of service. The Council of Europe also proposes to pay special attention to strengthening access to justice for military service personnel, and to promoting their social rights.

**Expected outcomes**

*Enhancing the effective implementation of the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR) case-law at national level*

- ✓ The authorities adopt and implement the new national Action Plan on Human Rights for 2020-2022 in line with European standards.
- ✓ The judiciary applies the ECHR, ECtHR case-law and national case-law in a more harmonised manner.
- ✓ The Government Agent Office mobilises its enhanced capacity to fulfil its mandate.
- ✓ ECHR is better invoked and applied by legal professionals and civil society.

**Main national partners: Office of the Government Agent before the ECtHR, Bar Association, Court of Cassation, Justice Academy, Chamber of Advocates, Association of Judges of the Republic of Armenia, Human Rights Defender (HRD), civil society.**

<sup>13</sup> Several judgments of the European Court of Human Rights (ECtHR) found a violation of Article 5 of the Convention by Armenia with particular regard to the unlawfulness of detention.

<sup>14</sup> Armenia is currently actively engaged in developing a National Action Plan to ensure the implementation of UN Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325), including by establishing a national mechanism for the protection and promotion of women's rights in the armed forces.



### *Supporting criminal justice reform*

- ✓ Criminal legislation is adopted and implemented in line with European standards.
- ✓ Legal professionals, including judges, prosecutors and investigators implement in a harmonised way the new criminal legislation in line with European standards.
- ✓ Pre-trial detention is correctly and proportionally applied in line with ECHR standards.

**Main national partners: MoJ, National Assembly, HRD.**

### *Strengthening the application of human rights standards in the armed forces and strengthening the rights and role of women in the military service in Armenia*

- ✓ The armed forces apply regulatory and institutional frameworks to better protect and promote human rights.
- ✓ Training institutions actively contribute to the protection and promotion of human rights in the armed forces.
- ✓ The profile of female military personnel is raised within the armed forces.
- ✓ Military service personnel have better access to justice.

**Main national partners: Ministry of Defence (MoD), MoJ, Ministry of Education and Science, Yerevan State University, Office of the Human Rights Defender (HRD Office) and non-governmental organisations (NGOs).**

## **2.1.2 Promoting Human Rights and Dignity**

- **Gender Equality, Combating Violence Against Women and Domestic Violence, and Improving Women's Access to Justice.**

In recent years Armenia has taken steps to advance gender equality, combat domestic violence and provide for legal protection of women victims of violence by adopting relevant legislation and policies. The adoption of the law against domestic violence<sup>15</sup> in December 2017, together with the signature of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in January 2018, underscored the government's commitment to work in the area of domestic violence. Nonetheless, the law requires further improvement to fully comply with the standards of the Istanbul Convention.

While progress has been made towards improving women's equal access to both legal protection and effective remedies for violations of their rights, many challenges remain, including persistent legal, institutional, socio-economic and cultural barriers to gender equality and women's access to justice, and limited access to legal aid and support services for women.

With a view to addressing these challenges and building on the results achieved through past co-operation, the Council of Europe will continue to assist the relevant stakeholders in promoting gender equality, combating both violence against women and domestic violence in line with international and European standards and best practices as well as the United Nation Sustainable Development Goals (UN SDGs), in particular Goal 5 on achieving gender equality. This will be attained, *inter alia*, through further awareness-raising and capacity-building of the judiciary and law enforcement. The Action Plan will also focus on improving access to justice for women, especially women who are the victims of violence and in a vulnerable situation,<sup>16</sup> including by ensuring that the justice chain is gender responsive and that access to information and legal aid is enhanced. Providing support to Armenia's efforts towards the ratification of the Istanbul Convention, improving national legislation and policies and assisting in the implementation of the new law on domestic violence will continue to be Action Plan priorities.

<sup>15</sup> Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family.

<sup>16</sup> Living in rural areas and minority groups.

## ➤ **Anti-discrimination**

The fight against discrimination is a government priority and is part of its conditionalities for European Union direct budgetary support for Human Rights Protection. The Armenian authorities' efforts in response to the recommendation of the European Commission against Racism and Intolerance (ECRI) regarding the establishment of an independent equality authority<sup>17</sup> have led to the new draft Law on Legal Equality, which envisages to confer on the Human Rights Defender (HRD) a new mandate as the equality body entrusted with assisting victims of discrimination in redressing violations of their human rights. A comprehensive anti-discrimination law has yet to be adopted.

The Action Plan will accordingly support the efforts of the authorities to take efficient action against discrimination on all grounds by aligning the relevant legal frameworks, criminal laws<sup>18</sup> and other legislation, including the draft law on Equality,<sup>19</sup> with European and international anti-discrimination standards. The Action Plan will also provide support to the authorities in improving access to justice for victims of discrimination by strengthening the redress mechanisms and anti-discrimination policies.

According to ECRI's findings, failure to fight racist and homo/transphobic hate speech and to investigate/prosecute racist and homo/transphobic criminal offences has created a climate of impunity. The Action Plan will therefore assist the authorities in improving the prevention of and fight against racist and homo/transphobic violence and incitement thereto, including through capacity-building and awareness-raising targeting the relevant stakeholders, and the improvement of statistics regarding hate speech incidents.

Based on ECRI's recommendation regarding the need to adopt a comprehensive integration policy, the Council of Europe stands ready to assist the Armenian authorities by providing legal expertise for the development of a national integration strategy that will safeguard the rights of vulnerable groups.

Sexual Orientation and Gender Identity (SOGI) is not an explicitly protected ground under the Constitution, the Criminal Code or the draft anti-discrimination law. The Council of Europe stands ready to support the national authorities in enhancing the system of protection of LGBTI rights in line with the recommendations made by ECRI in its 2016 country report. Actions to prevent and prosecute discrimination on SOGI grounds and homophobic and transphobic hate speech and hate crime and to promote equality for LGBTI persons will be proposed as part of Council of Europe technical assistance under the Action Plan.

## ➤ **Minorities and Minority Languages**

In its opinion on Armenia the Advisory Committee on the Framework Convention (ACFC) acknowledged Armenia's commendable efforts to protect and promote the rights of minorities,<sup>20</sup> which have led to constitutional amendments ensuring the representation of minorities in the National Assembly, the preservation of a climate of tolerance, and improved access to pre-school education for Yezidi and Kurdish children. Nevertheless further efforts are needed to enhance access to education by Yezidi children, in particular girls, to provide pre-school education to all children and to criminalise forced marriages. The Council of Europe stands ready to support Armenia's efforts to enhance the protection of minorities in line with the Framework Convention for the Protection of National Minorities (FCNM) and the United Nations Sustainable Development Goal 5.3.

Likewise, as acknowledged by the fourth evaluation report on the application of the European Charter for Regional or Minority Languages (ECRML) the use of Assyrian, Greek, Kurdish and Yezidi in pre-school education needs to be promoted and the offer of teaching of these languages must be extended at the primary

<sup>17</sup> As recommended in [General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination](#).

<sup>18</sup> In the context of the preparation of a new Criminal Code and at the request of the Ministry of Justice (MoJ), the Council of Europe provided, in March 2018, a comparative analysis of the legislation of Council of Europe member States on the qualification of discrimination as a criminal offence on several grounds, including sexual orientation.

<sup>19</sup> In particular as regards the mandate of the independent equality body and ensuring non-judicial redress to the victims of discrimination

<sup>20</sup> [ACFC/OP/IV\(2016\)006](#).

and secondary levels. Further efforts should be made to enhance the protection and promotion of these languages in the media and in public life and before the administrative and judicial authorities. The Council of Europe stands ready to assist Armenia in fulfilling its commitments under the ECRML.

### ➤ **Children's Rights**

The government of Armenia signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) in September 2010 and has yet to ratify it. The ratification of the Convention is a joint priority of the Armenian authorities and the Council of Europe.

The Constitutional Law on the Human Rights Defender (2016) (HRD) entrusted this institution with a broadened mandate that includes monitoring children's care institutions and, as a positive development, gave the office responsibility for the single mechanism to monitor the rights of the child. In response to a request by the HRD, the Action Plan will support the enhancement of the institution's capacity to fulfil its mandate and to involve children in its activities.

Under the Action Plan the Council of Europe will seek to increase awareness of key stakeholders, professionals and civil society at large of the importance of delivering United Nations Sustainable Development Goal (UN SDG) 16.2 and other targets for ending violence against children, in order both to guarantee children's right to live free from violence and to allow them to benefit, as right holders, from all aspects of the 2030 Agenda for sustainable development.

Consequently, building on relevant recommendations of international and European monitoring bodies<sup>21</sup> and taking into account the legal and policy framework in Armenia related to the rights of the child, the Council of Europe stands ready to support the authorities in their action to further strengthen the child welfare and protection system with a view to protecting children from violence in all settings, as well as from sexual exploitation and abuse, while carrying out efficient criminal investigations in a child-friendly manner and enhancing the protection of vulnerable children. Targeted support will also be provided to the Armenian authorities to secure children's economic, social and cultural rights.

### ➤ **The Protection of Human Rights in the Field of Biomedicine**

To date, Armenia has neither signed nor ratified the Convention on Human Rights and Biomedicine (Oviedo Convention). In response to the Human Rights Defender (HRD), who has requested support to enhance patients' rights, the Council of Europe will, with a view to future ratification of the Convention, raise awareness in Armenian society and among the executive, legislative and judicial authorities as well as health and legal professionals with regard to Council of Europe human rights standards in the biomedical field, in particular the Oviedo Convention and its additional protocols. It will also seek to enhance the capacities of the relevant medical and legal training institutions, including the HRD, through the interactive, interdisciplinary European Programme for Human Rights Education for Legal Professionals (HELP), a course on the core principles of human rights in biomedicine, which will be adapted to the needs of legal and health professionals in Armenia. The Action Plan will additionally assist the authorities in improving the relevant legal framework and governance in line with Council of Europe standards in the field of biomedicine.

#### **Expected outcomes**

*Gender Equality, Combating Violence Against Women and Domestic Violence, and Improving Access to Justice*

- ✓ Armenia is better prepared for ratification of the Istanbul Convention.
- ✓ The Armenian legal and policy framework on preventing and combating domestic violence is in line with Council of Europe standards.
- ✓ Women victims of gender-based violence and domestic violence, including the most disadvantaged, have better access to justice and support services.

<sup>21</sup> [Report of the UN Special Rapporteur on the Sale of Children, Child Prostitution and Pornography on her Visit to Armenia between 12 and 18 May 2015, Recommendation CP\(2017\)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia adopted at the 20th meeting of the Committee of the Parties on 10 March 2017](#). The [first](#) and [second](#) Implementation Reports of the Lanzarote Committee Regarding Sexual Abuse in the Circle of Trust.

**Main national partners: Ministry of Justice (MoJ), Justice Academy, Police, Human Rights Defender (HRD), Bar Association and non-governmental organisations (NGOs).**

*Antidiscrimination - National Minorities, Regional or Minority Languages*

- ✓ Criminal and related legislation is aligned with European standards to prevent and protect against discrimination on all grounds.
- ✓ Relevant independent institutions are in place to efficiently prevent and combat discrimination in line with European standards, in particular European Commission against Racism and Intolerance (ECRI) Standards.
- ✓ The relevant stakeholders mobilise enhanced capacities to improve the prevention of racist, homo/transphobic hate speech and violence, combat these phenomena and prosecute perpetrators.
- ✓ The rights of vulnerable groups are better safeguarded as a result of the adoption of a national integration strategy.
- ✓ Pre-school education for all minority children, including Yezidi girls, is guaranteed.
- ✓ Forced marriages are criminalised.
- ✓ Local authorities mobilise their enhanced knowledge and skills to promote the use of minority languages in local administration.

**Main national partners: Ministry of Education and Sport, Ministry of Culture and the Coordinating Council for National and Cultural Organisations of National Minorities, MoJ, Police, Office of the Human Rights Defender (HRD Office) and NGOs.**

*Children's Rights*

- ✓ The legislative, policy and institutional frameworks for the protection of children are in line with European standards, in particular the Lanzarote Convention and the Convention on Action against Trafficking in Human Beings.
- ✓ The relevant authorities adopt and implement comprehensive strategies to improve the prevention and protection of children from all forms of violence, including trafficking in children.
- ✓ The authorities, professionals and the HRD Office mobilise their capacities to prevent and protect children from all forms of violence and to provide support for child victims and witnesses.
- ✓ The capacities of the HRD Office to monitor children's care institutions are improved and the services for children in alternative care are strengthened.

**Main national partners: MoJ Ministry of Labor and Social Issues, Ministry of Education and Sports, Office of the HRD, NGOs.**

*Protection of Human Rights in the Field of Biomedicine*

- ✓ Relevant legal texts and law-enforcement practices are brought into line with the principles enshrined in the Oviedo Convention.
- ✓ Further public awareness and public discussion on main challenges to the human rights protection in biomedicine are fostered.
- ✓ The overall level of human rights protection in the biomedical field is increased.
- ✓ Armenia is better prepared for the possible future accession to the Oviedo Convention.

**Main national partners: HRD Office, Ministry of Healthcare, MoJ, Ministry of Education and Science, Prosecutor General's Office, Supreme Court, National Centre on Bioethics, Justice Academy, Yerevan State Medical University, Yerevan State University, Bar Association and NGOs.**

### 2.1.3 Ensuring Social Rights

#### ➤ Ensuring Respect for Social Rights in Armenia in line with the revised European Social Charter (revised ESC)

Armenia ratified the revised European Social Charter (revised ESC) in 2004, accepting 67 of its 98 paragraphs. It has not accepted the collective complaints procedure. In its Conclusions 2007–2017 the European Committee of Social Rights (ECSR) found several cases of non-conformity of the national situation with the accepted provisions of the Charter. Furthermore, the national reports need to be improved in order to provide information necessary for the assessment of the situation by the Committee.

Considering the conclusions of non-conformity adopted by the ECSR since 2006, reform of the Armenian legislation and practice should be accelerated. The Council of Europe will therefore assist the national authorities in aligning the national legislative and regulatory frameworks and practice with European standards in the field of social including labour-rights, whose protection and promotion have been underscored as a priority for action by the government. In addition, co-operation with Armenia in enhancing respect for social rights will support the relevant authorities in collecting and providing the necessary data to the ECSR as regards the implementation of accepted provisions of the revised ESC. The ECSR's monitoring process will thus be improved. A further focus will be to promote acceptance of the collective complaint mechanism and additional provisions.

#### **Expected outcomes**

*Ensuring Respect for Social Rights in Armenia in line with the revised European Social Charter (revised ESC)*

- ✓ Legislation and practice aligned with European standards, thus improving the implementation of the rights guaranteed by the revised ESC.
- ✓ Armenia is better prepared to accept additional provisions and the collective complaints procedure.
- ✓ The quality of the national reports to the European Committee of Social Rights (ECSR) is improved.
- ✓ The Human Rights Defender contributes to the adequate protection of social human rights in Armenia.

**Main national partners: Ministry of Labour and Social Issues and other relevant ministries, Parliament, Labour Inspectorate, Office of the Human Rights Defender (HRD Office), local and regional authorities, social partners and civil society.**

### 2.2 RULE OF LAW

The Council of Europe will continue supporting Armenia's efforts to increase confidence in the justice system (judiciary, prosecution, penitentiary system and police), to improve the relevant legislative and institutional frameworks in accordance with European standards, to facilitate the implementation of existing legislative and normative acts relating to the functional independence and accountability of the justice system, and to improve enforcement of the national courts' decisions as well as the execution of ECtHR judgments. It will also assist the authorities in continuing the reform of the penitentiary system aimed at achieving safer and more humane detention conditions and increased public safety through reducing reoffending. Countering corruption, money laundering and cybercrime in a co-ordinated and consistent manner is important. Likewise, further efforts are needed in the following areas: protecting freedom of the media, ensuring media pluralism, enhancing the safety of journalists, improving access to public information and enhancing the protection of personal data.

## 2.2.1 Ensuring Justice

### ➤ Independence and Efficiency of Justice

As a result of the amended Constitution, Armenia has made noticeable progress in implementing judicial reform, in particular, by adopting key pieces of legislation relating to the judiciary, including the new Judicial Code and a new Civil Procedure Code, along with a number of other legal acts deriving from the Judicial Code<sup>22</sup> that have brought the judicial legal framework closer to European standards. In line with the priorities of the draft National Strategy and Action Plan for Legal and Judicial Reforms for 2018-2023, the Council of Europe will continue assisting the authorities in implementing their key judicial reforms, including the effective enforcement of the Judicial Code and the Civil Procedure Code. The Organisation will, likewise, continue supporting the drafting of legal acts.

Such support provided will aim at strengthening the independence, impartiality, efficiency and accountability of the judiciary. It will include the improvement of legal frameworks and practice where relevant,<sup>23</sup> and assistance to the judicial self-governing bodies, in particular the Supreme Judicial Council (SJC), so as to ensure greater compliance of its acts and work with Council of Europe standards and best practices in terms of transparency and efficiency.<sup>24</sup> As confirmed by the government, the legal frameworks for the application of Alternative Dispute Resolution (ADR) are in place, largely as a result of previous Council of Europe co-operation assistance. However, ADR is still not widely applied and hence does not seem to be making any valuable input to reducing the workload of the courts in Armenia. As part of the support it gives to the implementation of the judicial reform process, the Action Plan will therefore continue to promote ADR through the enhanced application of mediation and arbitration. It will, therefore, seek to, *inter alia*, improve the knowledge and skills of students, mediators and arbitrators regarding the new legal frameworks, and to enhance the awareness of the potential users of ADR.

The Council of Europe will also provide expertise and technical support in discussing the key aspects of the relations between the Parliament and the judiciary in a parliamentary system in light of the new Constitution of Armenia.

Increasing the confidence and trust of Armenian citizens in the justice system cannot be achieved without enhancing the quality of justice. The Council of Europe therefore stands ready to assist the authorities in improving the quality of judicial acts,<sup>25</sup> thereby fulfilling the principle of legal certainty. It can also provide assistance with introducing e-justice solutions upon the express request of the authorities.

In line with the government's priorities, the Action Plan will likewise address the need to enhance equal access to justice for all, including women and vulnerable groups such as minorities, children and youth, especially by removing technical and legislative barriers. The Council of Europe will provide support in promoting the participation and leadership of women judges, enhancing the number of women judges in the judiciary, and ensuring equal access to justice for women.

Systemic problems within the judiciary will be addressed through support for the effective execution of the general measures in the relevant judgments of the European Court of Human Rights (ECtHR) related to Article 6 of the European Convention on Human Rights (ECHR).

<sup>22</sup> The newly adopted laws introduced several changes in the judicial system, including but not confined to the structure and scope of the work of judicial self-governing bodies, court management and the enhancement of mediation and arbitration.

<sup>23</sup> While the adoption of the Judicial Code contributed to strengthening the independence, transparency and accountability of the judiciary, the European Commission for the Democracy through Law (Venice Commission) nevertheless raised some concerns related to the need to define more precisely "the conduct and duties of judges" and to provide for the possibility of an effective appeal in a court against disciplinary decisions of the JSC.

<sup>24</sup> This assistance, among other activities, includes enhancing the capacities of the SJC as well as providing expert support in developing or revising relevant documents and regulations on the judicial appraisal, indicative timeframes for the examination of court cases, relevant IT and technical tools and other documents deriving from the newly adopted Judicial Code.

<sup>25</sup> In terms of the clarity of the reasoning and the conclusions of the final substantive judicial acts.

In keeping with a number of Council of Europe documents<sup>26</sup> that underline the key role of lawyers in ensuring access to justice, and addressing the Chamber of Advocates' priority,<sup>27</sup> a potential area of co-operation at regional level is proposed, with a view to strengthening the independence and professionalism of the legal profession at regional level, increasing the diversity and inclusivity of legal services provision by lawyers and ensuring improved functioning of the Chamber of Advocates.

➤ **Prisons and Police.**

The Council of Europe has been supporting Armenia's efforts to pursue penitentiary reform, especially by providing extensive assistance to improve the system of health care provision to inmates in compliance with Council of Europe standards. The Council of Europe will continue assisting the authorities in accomplishing their reform goals related to the prison healthcare system so as to ensure the sustainability of the results achieved through past co-operation and to address the persisting shortcomings highlighted in the last Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) report.<sup>28</sup> These deficiencies were also outlined in the Human Rights Defender's (HRD) 2017 ad hoc public report "On safeguarding the right to health of persons deprived of liberty in penitentiary institutions". Further aligning the regulatory and operational frameworks for the provision of health care in compliance with international standards will therefore constitute a priority for the joint co-operation.

In addition, one of the main focuses of the Action Plan will be to build further the institutional capacity of the new Penitentiary Medicine Centre, whose establishment constituted a major step forward in ensuring the professional independence of medical personnel from the prison administration. Improving the professional capacity of the medical staff, so as to ensure their work is compatible with public health sector requirements, and enhancing the mechanisms for reporting and combating cases of ill-treatment in penitentiary institutions will, likewise, require further engagement by the Council of Europe.

Since 2013 the Council of Europe has also been providing continuous technical support to Armenia, with a view to reducing the use of custodial sentences and establishing a probation service in line with European standards. Significant results were achieved with the Council of Europe's assistance including the adoption of the law on probation in May 2016, leading to the establishment and operation of the new State Probation Service as of 1 September 2016. The newly established Probation Service needs further support in order to ensure the rehabilitation and reintegration of offenders, combat prison overcrowding and reduce reliance on pre-trial detention as a preventive measure. Based on the Council of Europe's recommendations<sup>29</sup> regarding probation and on the government's renewed commitment to enhance the effectiveness of the probation service and that of the restorative justice system,<sup>30</sup> under the Action Plan the Council of Europe will continue to assist the Ministry of Justice in establishing a fully-fledged probation service, operational at national level in line with European standards. This will be achieved by strengthening its institutional capacity and the professional skills of its staff and by developing the relevant secondary legislation, as well new working tools. An effort will also be made to raise awareness regarding probation among key professional groups and society.

Support for police reform, including but not confined to combating ill-treatment and impunity, has been identified, jointly with the national authorities, as one of the areas of co-operation under the new Action Plan. The Council of Europe is therefore ready to assist the authorities in addressing broader police reform issues with a view to enhancing the accountability and integrity of the police and ensuring the responsive and efficient functioning of this institution.

<sup>26</sup> Including [Recommendation of the Parliamentary Assembly of the Council of Europe No. 2121 \(2018\)](#) underlining their central position in the administration of justice.

<sup>27</sup> The Chamber's priority for co-operation with the Council of Europe is to modernise and reform the Code of Conduct of lawyers and advocates in line with European best practices, as determined during the final steering committee meeting.

<sup>28</sup> [\(CPT/Inf\(2016\)31\)](#), including inadequate access to specialist care for inmates, a shortage of medication with heavy reliance on inmates' families to provide medicinal products, inadequate treatment for inmates with transmissible diseases, ineffective medical screening on admission, lack of a proper internal complaints procedure, lack of a mental health care policy.

<sup>29</sup> [CM/Rec\(2010\)1 on the Council of Europe Probation Rules](#), [CM/Rec\(2017\)3 on the European Rules on Community Sanctions and Measures](#).

<sup>30</sup> As set out in the updated draft "2018-2023 Strategy for Judicial Legal Reforms in the Republic of Armenia and the Action Plan Deriving Therefrom", pending adoption by the government.

## Expected outcomes

### *Independence and Efficiency of Justice*

- ✓ National legal acts on the judiciary are adopted and implemented in line with Council of Europe standards.
- ✓ The judicial self-governing bodies, including the Judicial Supreme Council (JSC), carry out their work with enhanced transparency and efficiency in line with European standards and good practices.
- ✓ Equal access to justice is improved in line with the best practices of Council of Europe member States.
- ✓ The general measures in the relevant judgments of the European Court of Human Rights (ECtHR) related to Article 6 of the Convention are effectively implemented.
- ✓ Effective application on a wider scale of arbitration and mediation help to reduce the backlog and to enhance access to justice.
- ✓ Lawyers fulfil their functions in an independent and professional manner.

**Main national partners: Ministry of Justice (MoJ), Supreme Judicial Council, General Assembly of Judges, Association of Judges of the Republic of Armenia, Association of Mediators of Armenia, Association of Arbitrators of Armenia, School of Advocates, Bar Association and civil society.**

### *Prisons and Police*

- ✓ Regulatory and operational frameworks for the provision of health care are adopted and implemented in line with European standards.
- ✓ Inmates, including persons with disabilities and other vulnerable groups, enjoy better conditions and provision of health care in prisons.
- ✓ Medical independence within the prison system is strengthened.
- ✓ A fully-fledged probation service is operational at national level in line with European standards
- ✓ Probation service staff increases their capacity to carry out their new duties.
- ✓ The police operates in line with European standards as a result of the relevant reforms.

**Main national partners: MoJ, Prosecutor General's Office, State Probation Service, Police, Human Rights Defender (HRD) and non-governmental organisations (NGOs).**

## 2.2.2 Strengthening the rule of law

### ➤ **Constitutional Justice**

Building on the constructive co-operation established in the framework of the previous Action Plans, the Council of Europe stands ready, if requested, to assist the relevant Armenian authorities in further complying with European standards for constitutional justice, including by providing legal expertise and capacity building to the members of the Armenian Constitutional Court.

### ➤ **Strengthening Data Protection in Armenia**

The Council of Europe assisted the Armenian authorities in their revision of the legislation in 2015 and 2016 and supported the newly established Personal Data Protection Agency. In 2017, in the framework of the Partnership for Good Governance, it assisted the Agency in developing its Data Protection Strategy 2017–2021. However, the functioning and operational independence of the Personal Data Protection Authority should be enhanced.



The Council of Europe stands ready to support a legislative reform with a view to comply with European standards (the modernised Convention 108 and GDPR<sup>31</sup>), notably in respect of shortcomings already identified under previous programmes (media processing of personal data bases, operational and statutory independence of the Data Protection Authority (DPA), transfer of personal data to third countries), . It also proposes to assist the Armenian authorities in building the capacity of professional players in various areas, including electronic data, health data, children's data and video surveillance. Public education and awareness-raising regarding the protection of individuals with regard to their right to privacy and right to data protection will also be a focus of the Action Plan. These proposed interventions take into account the priorities of the Data Protection Authority, as set out in its Data Protection Strategy 2017–2021. These proposed interventions take into account the priorities of the DPA, as set out in its Data Protection Strategy 2017–2021. They also take into consideration the recent developments at European level that require, *inter alia*, solid national legal frameworks compatible with the modernised Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

➤ **Information Society and Internet governance: Freedom of Expression and Public Broadcasting**

Armenia faces a number of challenges in the field of freedom of expression and media freedom. The Council of Europe Human Rights Commissioner (the Commissioner) pointed out several shortcomings in his 2011 report related to diversity and pluralism of the media environment. Other areas that still require further improvement<sup>32</sup> include, *inter alia*, the protection of journalists,<sup>33</sup> effective prevention and investigation of crimes against journalists, access to information, and media coverage of elections.

Drawing on the past results achieved through the joint Council of Europe-European Union regional projects,<sup>34</sup> and at the request of the Armenian authorities, the Action Plan will provide more targeted support through country-specific actions for strengthening freedom of expression, media freedom and internet governance in Armenia in line with Council of Europe standards. The Council of Europe will, therefore, support the Armenian authorities in developing and properly implementing the media-related legal framework based on European standards. The Action Plan will seek to increase the compliance of national legislation and media regulations with European standards, notably in the following areas: public service broadcasting, the independence of media regulators, access to public information, concentration and transparency of media ownership, and freedom of expression, including on the internet. The Action Plan will also seek to further promote professionalism, responsibility and respect for ethical rules among journalists, and to improve the legal and institutional framework for the protection of journalists, including by enhancing the effective prevention and investigation of crimes against journalists. Improved monitoring of media-related violations during elections through the development of effective regulatory instruments will be a specific focus of the Action Plan

Regarding internet governance, as requested by the authorities, the Action Plan will also focus, firstly, on the protection of human rights on the internet, of intellectual property and of children online and, secondly, on the effective implementation of net neutrality.

<sup>31</sup> General Data Protection Regulation

<sup>32</sup> As pointed out in reports by international organisations (Council of Europe, Organisation for Security and Co-operation in Europe OSCE) and NGOs (Freedom House, Reporters Without Borders, Human Rights Watch).

<sup>33</sup> As also evidenced by the alerts submitted to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists.

<sup>34</sup> "Promoting freedom, professionalism and pluralism of media in the South Caucasus and Moldova" (Action Plan 2011-2013), "Promote Professional and Responsible Journalism by Supporting a Regional Network of Self-Regulatory Bodies".

**Expected outcomes***Constitutional Justice*

- ✓ Armenia's constitutional justice is brought closer to European standards.

**Main national partners: Constitutional Court.***Strengthening Data Protection*

- ✓ Data protection legislation is in place and implemented in line with the latest European standards.
- ✓ The Data Protection Authority (DPA) mobilises its enhanced capacity to ensure the implementation of the data protection legislation.
- ✓ Professional players mobilise their capacity to implement data protection legislation, in particular regarding electronic, health data, children's data, and video surveillance.

**Main national partners: Personal Data Protection Agency, Police, Prosecution Service, State Security Agency and civil society.***Information Society and Internet Governance*

- ✓ National legislation, media regulation and practice are in compliance with European standards regarding freedom of expression, media pluralism, public broadcasting concentration and transparency of ownership, and internet governance.
- ✓ Journalists perform their functions in an improved professional, responsible, ethical manner and in a safe environment.

**Main national partners: Ministry of Justice (MoJ), Ministry of Transport, Communication and Information Technologies, Ministry of Education and Science, National Commission on Television and Radio, National Public Television Company, Human Rights Defender (HRD), media professional organisations, journalists' self-regulatory bodies, journalism faculties at national level and civil society.****2.2.3 Countering threats to the Rule of Law****➤ Fight Against Corruption and Money Laundering**

Widespread corruption remains one of the significant challenges that require the full attention of the Armenian authorities to firmly establish a state based on the rule of law, to restore citizens' confidence in their institutions and build a sound basis for economic growth. The government has unequivocally expressed its commitment and political willingness to combat corruption, and explicitly requested that the Council Europe support its efforts to address the prevalence of corruption. It has therefore requested support to establish a universal anti-corruption body combining preventive and repressive competencies. The new anti-corruption institution will be empowered to implement the new Anti-Corruption Strategy and Action Plan with the aim of strengthening preventive measures, encouraging public-private partnership and wide use of e-government and e-learning to reduce corruption, and enforcing efficient investigation, prosecution and adjudication of corruption-related cases.

In the context of the on-going and planned reforms, the Council of Europe stands ready through bilateral co-operation<sup>35</sup> to provide technical assistance to the national authorities to strengthen good governance and enhance the efficiency in the fight against economic crimes. This will be achieved by enhancing compliance with Group of States against Corruption (GRECO) and Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) recommendations and by ensuring the implementation of relevant applicable international standards. The Council of Europe will therefore assist the authorities in further strengthening the legislative, institutional and policy frameworks for combating corruption, including by supporting the authorities in defining and implementing the new Anti-Corruption Strategy and Action Plan. Emphasis will also be laid on enhancing integrity systems in the public service, including reinforced systems for declaring assets and conflicts of interest, addressing illicit enrichment, and in strengthening the

<sup>35</sup> Armenia benefited from regional co-operation under the previous Action Plan.

capacity of national authorities for asset recovery and for preventing, investigating and prosecuting corruption-related cases.

### ➤ **Cybercrime**

Drawing on the results of past regional co-operation, under the Action Plan the Council of Europe will continue assisting the Armenian national authorities in promoting further compliance<sup>36</sup> with the Convention on Cybercrime (Budapest Convention) by addressing existing gaps in the domestic legal framework. The procedural powers of relevance to cybercrime and electronic evidence are yet to be fully implemented under criminal procedure legislation since the amendments to the Criminal Procedure Code are still pending adoption. Special emphasis will be placed on assisting the authorities in developing a national Strategy and Action Plan for fighting cybercrime. Attention will also be paid to making specialised cybercrime units more fully operational in both domestic investigations and international co-operation, to co-operate more efficiently with national and multinational Internet service providers, and to generally increasing the capacity of criminal justice institutions to deal with cybercrime and electronic evidence.

#### **Expected outcomes**

##### *Fighting corruption and money laundering*

- ✓ Legislative, policy and institutional frameworks for combating corruption through independent and efficient anti-corruption bodies are in place.
- ✓ Enhanced systems for declaring assets and conflicts of interest for all levels of public officials are in place and implemented.
- ✓ An increase in the effective investigation, prosecution, and adjudication of corruption-related crimes and offences is noted.
- ✓ Strengthened institutional asset recovery mechanisms are in place and implemented.
- ✓ Effective measures on prevention and detection of money laundering/terrorist financing are introduced.

**Main national partners: Ministry of Justice (MoJ), Police, Prosecutor General's Office, Commission on Ethics of High-Ranking Officials, Civil Service Council, Special Service of Investigation, Investigative Committee of Armenia, civil society, Ministry of Education and Science, higher education institutions, educational organisations.**

##### *Cybercrime*

- ✓ The national legislation on cybercrime –both substantive and procedural–is in line with the Budapest Convention.
- ✓ A national Strategy and Action Plan regarding the criminal justice response to cybercrime and electronic evidence is adopted.
- ✓ Cybercrime units and criminal justice institutions mobilise their capacity to improve the prevention of and fight against cybercrime and to access electronic evidence in domestic investigations and through international co-operation.
- ✓ Interagency co-operation and exchange of data relevant for cybercrime investigations is improved.
- ✓ A culture of co-operation with Internet service providers improved through legal basis for co-operation (with a focus on procedural powers and safeguards) and revised/expanded co-operation agreements).

**Main national partners: MoJ, Police, Prosecutor General's Office, Investigative Committee national communications regulatory authorities, personal data protection authorities; internet service providers (including international providers) and industry associations.**

<sup>36</sup> Under the previous Action Plan the Council of Europe assisted the Ministry of Justice (MoJ), at its request, in reviewing the draft Law on International Co-operation in Criminal Matters and submitted to the authorities legal expertise and subsequent recommendations on the new provisions of the draft Criminal Procedure Code concerning procedural powers relating to cybercrime and electronic evidence.

## 2.3 DEMOCRACY

Building trust in the electoral process and helping to increase confidence in the democratic institutions remains a priority of the Action Plan. This issue is particularly important in light of recent political developments in Armenia. In this context, the Council of Europe will assist the Armenian authorities with the electoral reform to address the shortcomings that undermine the integrity of elections. It will also support efforts to further enhance the professionalism of election administration and domestic election observation and to increase the electoral and political participation of women, youth and first-time voters. Another aim will be to entrench a democratic electoral culture within the electorate and among other relevant stakeholders. The Organisation will continue to assist Armenia in implementing its territorial administrative reform and decentralisation agenda. To that end, it will support the adoption of enabling legislation and assist the capacity-building of local administration to enact new competencies. It will, likewise, promote regular and effective dialogue between local authorities, their association and national authorities so as to advance decentralisation. Improving the quality of local democracy by promoting ethical, transparent, accountable and participatory local governance through actions to combat corruption and foster citizen participation, including youth participation, will also be a focus of the Action Plan. Efforts are also needed to increase youth participation and the role of youth non-governmental organisations in developing values-based youth policies at national and local levels, with democratic, transparent, rotation-based effective youth advisory or representative bodies.

### 2.3.1 Strengthening Democratic Governance and Fostering Innovation

#### ➤ Elections

The amended Electoral Code adopted in 2016 and assessed by the Venice Commission in two joint legal opinions with Organisation for Security and Co-operation in Europe /Office for Democratic Institutions and Human Rights (OSCE/ODIHR) introduced significant improvements to the electoral legal and institutional framework. Nevertheless, despite these positive developments, the findings and recommendations of election monitoring reports (Parliamentary Assembly of the Council of Europe PACE<sup>37</sup> and OSCE/ODIHR reports on the 2017 parliamentary elections) and Council of Europe Congress of Local and Regional Authorities (the Congress) Information report on the assessment of local by-elections in Armenia CPL31(2016)02<sup>38</sup> have underlined recurrent shortcomings, including the misuse of administrative resources, a lack of confidence in the effectiveness of the complaint adjudication system, widespread allegations of vote buying and an uneven media playing field. Further efforts are therefore needed to build public trust in the electoral process by enhancing its integrity, thereby contributing to increased legitimacy of Armenia's elected bodies and building confidence in the country's democratic institutions.

Addressing one of the stated national priorities, the Council of Europe will, in the context of its support to the country's democratic reforms, assist the Armenian Government in bringing the electoral legislation and practice closer to the standards and principles of the European Electoral Heritage. Drawing on past recommendations, special attention will also be paid to enhancing the fairness, transparency, inclusiveness, accountability and accessibility of the electoral process. To that end, the Action Plan proposes to address, *inter alia*, the need to improve transparency of the funding of political parties and electoral campaigns, to foster intra-party gender equality, and to further promote the participation in the electoral process of women, as both voters and candidates, of youth, of first-time voters and of disadvantaged groups. It will also support national efforts geared to safeguarding the right to effective and prompt electoral redress, and to reducing the misuse of administrative resources and the practice of vote buying<sup>39</sup> that undermine public trust in the electoral process as a reliable tool for producing representative, and therefore legitimate, authorities.

The Action Plan will therefore strengthen the capacity of the relevant stakeholders, including the election administration, judges, and civil society organisations to implement the electoral legislation.

<sup>37</sup> Election observation report | Doc. 14325 | 29 May 2017, Observation of the parliamentary elections in Armenia (2 April 2017): <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=23748&lang=EN>

<sup>38</sup> <https://rm.coe.int/1680718fbc>

<sup>39</sup> Armenia's government has posted a draft of the new Criminal Code, which would criminalise the buying and selling of votes.

In addition, building on results from previous co-operation, another Action Plan focus could be enhancing the impartiality, transparency and professionalism of the election administration, improving election monitoring and the reporting capacities of domestic observers countrywide and achieving balanced media coverage as prerequisites for credible elections. In that regard, the establishment of a centre for continuous electoral training would contribute to boosting the capacities of the election administration.

### ➤ **Local Democracy**

Following the adoption of the amended constitution in 2015 considerable progress has been made with the Council of Europe's assistance in the field of local democracy, including legislative reforms in line with European standards and practices that have enhanced the capacities of local self-government bodies based on the principles of good governance. A broad territorial administrative reform to promote amalgamation of municipalities was launched in 2015 and is intended to cover the whole country by the end of 2019.

The Council of Europe will continue supporting Armenia with the implementation of the on-going territorial administrative reform and of the government's Roadmap on Decentralisation of Competences<sup>40</sup> in line with the priorities of the Ministry of Territorial Administration and Development and with international commitments, such as the United Nations Sustainable Development Goals (UN SDGs) 16, 11 and 5. The Action Plan will therefore provide assistance to the central authorities, mainly the Ministry of Territorial Development, to ensure that the Decentralisation Roadmap is adopted and, subsequently, that the adopted legislation supports the implementation of the Roadmap and contributes to the emergence of efficient and effective local government structures.<sup>41</sup> Assistance will also be provided to ensure that the policies implemented promote effective citizen participation in local political decision-making, in particular by women and vulnerable groups. Special attention will also be paid to developing the capacity of local administrations to enact the newly devolved competencies and to disseminate and raise awareness of good governance principles at all levels of governance, thereby contributing to democratic consolidation and improved public services at local level.

In June 2018, the Minister of Territorial Administration and Development reaffirmed Armenia's commitment to implementing the Roadmap for the Implementation of Council of Europe Congress of Local and Regional Authorities (the Congress) Recommendation 351 (2014) on local democracy in Armenia<sup>42</sup> (signed in June 2016), thereby advancing the process of decentralisation and pursuing co-operation with the Congress in the application of the European Charter of Local Self-Government. Under the Action Plan the Congress will continue to support the implementation of genuine decentralisation through regular and effective dialogue between local authorities, their associations and national authorities. To that end, it will further strengthen the capacity of the Communities Association of Armenia (CAA) to be a relevant stakeholder in the local governance system by reinforcing its advocacy role, establishing a mechanism for regular consultations between national and local authorities, and supporting its organisational development.

Drawing on the achievements of past co-operation,<sup>43</sup> the Congress and the Council of Europe Centre of Expertise for Local Government Reform (the Centre) will also continue to provide support aimed at improving the quality of local democracy by further strengthening the skills of local authorities and elected representatives as drivers of change and by improving their capacity to enhance transparency, openness and accountability of local governance through better citizen engagement and participation in decision making. Addressing the government's anti-corruption agenda, it will also work with local elected representatives to strengthen ethical governance, in particular through effective implementation of the recommendations against corruption at local level adopted by the Congress in November 2018 following the revision of the 1999 Code of Conduct relating to the political integrity of local and regional elected representatives.

<sup>40</sup> Adopted in 2016 under Council of Europe's guidance.

<sup>41</sup> Including through enhanced inter-municipal co-operation, strengthened capacities for municipal finance and human resources management.

<sup>42</sup> <https://rm.coe.int/09000016807199f8>

<sup>43</sup> "Consolidation of local democracy in Armenia", "Strengthening institutional frameworks for local governance" and "Institutional support to the Communities Association of Armenia".

## Expected outcomes

### *Elections*

- ✓ Electoral legislation and practice is in line with European standards, thereby increasing public trust in the electoral process.

**Main national partners: Ministry of Justice (MoJ), National Assembly, Electoral Legislation Commission attached to the Prime-Minister and Central Electoral Commission.**

### *Local Democracy*

- ✓ The legislative and institutional framework in respect of local democracy and financial equalisation is in line with European standards.
- ✓ Local authorities mobilise an enhanced capacity to adopt and implement strategies for citizen participation in policy-decision making;
- ✓ Local authorities are duly consulted by higher levels of government through their national associations on matters which concern them directly.
- ✓ Local authorities are transparent, accountable and ethical, and foster open government and citizen control over decision-making.

**Main national partners: Ministry of Territorial Administration and Development, Ministry of Finance, MoJ, National Assembly, Communities Association of Armenia (CAA) and local authorities.**

## 2.3.2 Promoting Participation and Diversity

### ➤ Education for Democracy

Strengthening integrity and combating corruption in higher education in Armenia will remain a priority of the Action Plan, consolidating the significant results achieved through previous Council of Europe co-operation in that area. The Council of Europe will therefore continue to support the Ministry of Education and Science's efforts to establish a quality higher education system and promote academic integrity at national level through the effective implementation of integrity, transparency and accountability mechanisms<sup>44</sup> in major public higher education institutions, in line with European standards. Special attention will be given to developing practical tools on preventing plagiarism.

Other priority areas of joint co-operation proposed in the Action Plan at the request of the Armenian authorities include ensuring academic freedom and creating a genuinely student-centred approach to education so as to contribute to the advancement of quality education. Additionally, in order to address some of the current challenges facing the education sector, the Ministry of Education and Science intends to redraft the relevant law on education in order to establish a sound legal and normative framework for future reforms. The Council of Europe is ready to provide the necessary legal expertise and technical assistance to that end.

### ➤ Youth for Democracy

The Council of Europe intends to assist the Ministry of Sports and Youth Affairs in developing and implementing, in a gender-sensitive manner, a state youth policy in line with European standards. The Action Plan will therefore include a youth dimension specifically aimed at increasing youth participation and the role of youth non-governmental organisations in developing a values-based youth policy, while in parallel strengthening human rights and democratic participation. The Action Plan will likewise pay special attention to young people's access to rights with a gender equality dimension at national and local levels. The establishment of democratic, transparent, rotation-based effective youth advisory or representative bodies will be instrumental to secure youth's access to rights. In addition a specific focus will be placed on the needs of young people from rural areas and at empowering their human capital. The organisation will also support

<sup>44</sup> Including model codes of ethics for students, academic staff and managers of higher education institutions, a transparency and accountability online reporting platform, three toolkits to ensure transparency and accountability in higher education governance, human resource management, student assessment and curriculum development.

measures in favour of the youth policy field, building on Council of Europe existing standards and recommendations. Another Action Plan component will aim to build the capacities of relevant stakeholders working with young people, in particular youth workers and leaders of youth organisations. In this regard, the Council of Europe will seek to build the capacities of trainers and multipliers in human rights education with young people with a view to supporting the implementation of the Charter on Education for Democratic Citizenship and Human Rights (EDC/HRE).

Youth representatives from Armenia will continue to regularly take part in capacity building activities organised by the North-South Centre of the Council of Europe that encourage a bottom-up dialogue between civil society and other democratic governance actors to promote North-South dialogue around three priority areas: global development education, youth co-operation and women empowerment.

#### **Expected outcomes**

##### *Education for Democracy*

- ✓ The institutional framework for ensuring integrity and combating corruption in higher education is further developed and effectively implemented.
- ✓ Major stakeholders in the field of higher education recognise corruption related risks and promote actions to enhance integrity.

##### *Youth for Democracy*

- ✓ National and local policies and practices regarding youth, especially young people from rural areas, are aligned with European standards and best practices, including those on gender equality.
- ✓ Young people learn and practice human rights education and democratic citizenship in youth organisations and youth work activities.

**Main national partners: Ministry of Sports and Youth Affairs, non-governmental youth organisations.**

## **PART III – IMPLEMENTATION**

### **3.1 METHODOLOGY**

The overall co-ordination of technical co-operation implemented by the Council of Europe falls within the remit of the Office of the Directorate General of Programmes (ODGP), which steers programming and fund-raising for co-operation actions whilst ensuring the good functioning of Council of Europe Offices in the field.

Action Plan projects are implemented by the Council of Europe's Major Administrative Entity responsible for the relevant area of expertise. The Council of Europe's Office in Armenia<sup>45</sup> plays a key role in co-ordinating and supporting the implementation of projects in the field in accordance with the decentralisation policy applying to co-operation. As of 17 September 2018 the Office's human resources amounted to 20 staff members.

The implementation of Action Plan projects involves, as necessary, needs assessments, legislative expertise, capacity-building, awareness-raising and peer-to-peer reviews. The methodology followed aims to reinforce the ownership of national stakeholders and to ensure the sustainability of the outcomes, in line with the Project Management Methodology of the Council of Europe.

<sup>45</sup> <https://www.coe.int/web/yerevan>

In addition, the co-operation designed by the Council of Europe follows a “multi-institutional approach”, which allows different Council of Europe’s institutions and bodies to target governmental stakeholders, parliaments, independent governance institutions such as the Ombudsman, local and regional authorities, and civil society, in order to create a unique leverage for comprehensive, inclusive, successful and sustainable reforms.

Gender equality is taken into account in all Council of Europe projects in accordance with the Guidelines on gender mainstreaming in Council of Europe co-operation activities.<sup>46</sup> The gender mainstreaming approach will be defined as the actions associated with the Action Plan are developed. It will already be applied to actions regardless of the field of co-operation. For example, the standards for gender equality and women’s rights will be taken into account when the various pieces of legislation and national frameworks are revised in the light of European standards. The issue of gender equality will also be incorporated into training and programmes. The impact of gender will be analysed when projects are designed and implemented. In addition to gender mainstreaming, specific actions will be considered in order to promote gender equality. The Action Plan will contribute to the United Nations Sustainable Development Goals (UN SDGs), especially to goal 5, “Achieve gender equality and empower all women and girls” and 16, “Promote just, peaceful and inclusive societies”. The actions to enhance gender equality and prevent and combat gender-based violence contribute to target 5.1, “End all forms of discrimination against all women and girls everywhere”, and target 5.2, “Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation”. Activities foreseen to put in place strategies for the prevention and protection of children from violence, sexual exploitation and sexual abuse and to strengthen capacities of professionals in dealing with child sexual exploitation and abuse contribute to target 16.2 “End abuse, exploitation, trafficking and all forms of violence against and torture of children”. The Action Plan’s support for women’s access to justice is in line with target 16.3 “The promotion of the rule of law at the national and international levels and ensure equal access to justice for all”. The actions to ensure citizens’ participation, with a special focus on women’s role in decision-making by local governance, contribute to target 5.5 “Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life”.

The Council of Europe promotes the active participation of civil society in project activities. Inclusiveness is approached in accordance with the Guidelines on civil society organisations’ participation in Council of Europe co-operation activities.<sup>47</sup>

The present Action Plan takes into account the lessons learned during the implementation of the Action Plan for Armenia 2015-2018, including:

- a human rights-based approach to co-operation, which uses the Council of Europe standards and principles both as means and goals of technical assistance, can significantly contribute to the realisation of those rights;
- involving civil society at all stages of technical co-operation contributes to strengthening its role in the implementation of reforms. This enhances inclusiveness and democratic legitimacy and, therefore, the sustainability of the reforms;
- the involvement of civil society organisations at all the stages of the co-operation cycle, including their participation in working groups and public hearings, has also helped to build an empowered civil society, which may have contributed to the largely peaceful democratic change;
- the Organisation’s focus on strengthening the capacity of the Justice Academy to build the national capacities for implementing reforms has been instrumental in ensuring the sustainability of results, while the Justice Academy’s involvement in the implementation of the co-operation actions has contributed to strong ownership by national partners;
- Armenia’s willingness to co-operate with the Venice Commission, as attested by the significant number of opinions provided, was key to the adoption of fundamental legal frameworks in line with European standards;

<sup>46</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680656cf0>

<sup>47</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680656cef>



- the close co-ordination with national partners at all stages of the programmes' implementation created shared ownership and accounted for the country's strong ownership of the Council of Europe co-operation process and results;
- the flexibility afforded by Action Plan level voluntary contributions, even if limited, allowed funding to be allocated in a timely manner to accompany the authorities in the implementation of their priorities when PGG could no longer fund some sectors following the EU's decision to focus on rule of law issues;
- the new Project Management Methodology (PMM), whose application became mandatory as of 2017, contributed to increasing the quality of project implementation in terms of planning and administration, cost efficiency and effectiveness; risk assessment and attention to the gender dimension are improving;
- technical assistance for comprehensive reforms requires long-term funding and effective co-ordination mechanisms among national and international partners. A proactive approach with regard to co-operation with all stakeholders and to resource mobilisation by the Yerevan Office was key in this context;
- the Council of Europe can play an important bridging role between various state and non-state actors.

### **3.2 CO-ORDINATION**

Co-ordination to ensure efficient use of resources and the relevance of the Council of Europe's actions is performed at different levels and in different forums, including the Committee of Ministers of the Council of Europe.

The Council of Europe's actions are determined and implemented so as to focus on areas where the Organisation has strong expertise and added value. Joint co-operation with the Armenian authorities is developed on the basis of thorough analysis of the objectives followed by other international organisations and actors in the field and in their work, as well as actions implemented and/or planned to achieve these objectives.

To ensure the relevance of its actions, the Council of Europe works in close co-ordination with international partners, notably the European Union and, in particular, the EU Delegation. Co-ordination is also ensured with the United Nations (UN) and the Organisation for Security and Co-operation in Europe/ Office for Democratic Institutions and Human Rights (OSCE/ ODIHR).

Where appropriate, co-ordination platforms are set-up and joint activities undertaken. A local government donor co-ordination platform was set up in the context of the Swiss-funded "Improvement of the local self-governance system in Armenia" programme and has been instrumental in achieving coherence and complementarity of action across project activities and in preparing further projects for implementation under the new Action Plan, as from January 2019. The Council of Europe Office in Yerevan participates and co-chairs with United Nations Development Programme (UNDP) and the Donor Coordination Group on Democratic Governance.

The Council of Europe also maintains close contact with the development agencies of Council of Europe member States, including but not confined to the Swiss Agency of Development and Co-operation (SDC), the German Agency for International Co-operation (GIZ), the Swedish International Development Co-operation Agency (SIDA), the Austrian Development Agency (ADA), United States Agency for International Development (USAID) and the governments of the United Kingdom, Norway and Denmark.

### **3.3 FUNDING**

The overall budget of the Action Plan is approximately €18.9 million. Funding amounting to €0.1 million (0.5% of the total budget) has been secured. On the basis of budget estimations linked to on-going negotiations, approximately €4.8 million are expected to be secured from the EU and donor countries in the short term.

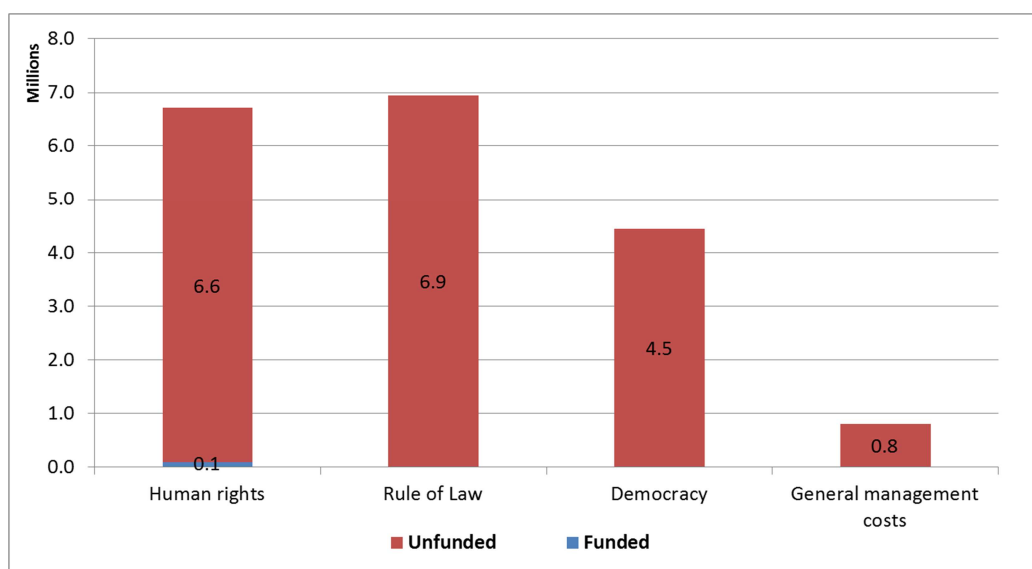
Projects within the Action Plan are to be funded from multiple sources, including Joint Programmes with the EU, voluntary contributions from donor countries and international organisations, as well as the Council of Europe ordinary budget.

The co-ordination of Action Plan implementation incurs general management costs amounting to not more than 7% of the Action Plan's direct costs.

From 2015, Armenia benefits from the participation in the European Union/Council of Europe Partnership for Good Governance (PGG),<sup>48</sup> which currently covers the following areas, criminal justice, strengthening of prison's health care system, fight against corruption and money laundering, cybercrime, access of women to justice and constitutional justice.

In line with the Council of Europe resource mobilisation strategy, fundraising efforts are co-ordinated by the Office of the Directorate General of Programmes (ODGP) and concentrate on the Action Plan as a whole.

The present Action Plan structure from 2019 to 2022 is aligned with the structure of the Programme and Budget of the Council of Europe and with its two biennial cycles in order to increase coherence, complementarity and co-ordination between activities within the ordinary budget of the Council of Europe and extra-budgetary technical assistance for Armenia.



**Figure 2: Estimated budget per theme of the Council of Europe Action Plan for Armenia 2019-2022 (in euros)**

### 3.4 GOVERNANCE

The Committee of Ministers of the Council of Europe (CM) is responsible, through its Group of Rapporteurs on Democracy (GR-DEM), for the overall assessment of the Action Plan's implementation.

The Council of Europe will provide regular updates on the progress and outcomes of the Action Plan. To this end, the Office of the Directorate General of Programmes (ODGP) will submit interim and final reports to the CM as follows:

- oral report - 12 months after the adoption of the Action Plan, to present the state of advancement after the Action Plan's official launching;
- comprehensive Mid-term Progress Review Report, 24 months after the adoption of the Action Plan;
- Final Progress Review Report at the end of implementation of the Action Plan.

<sup>48</sup> Former Partnership Co-operation Framework (PCF).

Progress made under the Action Plan will be jointly assessed by the Council of Europe and the Armenian authorities. For this purpose, an Action Plan Steering Committee is established, composed of representatives of the Ministry of Foreign Affairs and other national stakeholders involved in the implementation of the Action Plan as well as of representatives of the Council of Europe.

This Steering Committee will assess the implementation of approved projects, discuss relevant proposals for future co-operation and challenges encountered, and recommend any measures to improve the effectiveness of the Action Plan. Meetings will take place 24 months after the adoption of the Action Plan, to assess the mid-term implementation, and before the end of the Action Plan, to assess the overall implementation. In terms of the Steering Committee's composition, a good gender balanced representation shall be ensured as far as possible subject to limitations in terms of sectorial knowledge and experience.

In addition, the ODGP will address annual Action Plan Reports to those donors contributing at the level of the Action Plan, in line with reporting requirements.

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## APPENDIX I: LOGFRAME

### Gender equality and civil participation in decision-making as transversal topics:

- **Gender equality** is mainstreamed throughout the Council of Europe's projects in accordance with the Guidelines on gender mainstreaming in Council of Europe co-operation activities;
- **Civil participation** is promoted by the Organisation in line with the Guidelines on civil society organisations' participation in Council of Europe's co-operation activities.

**Overall goal:** To support the reforms in Armenia, which will bring Armenian legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy, and therefore support the country's efforts to honour its obligations as a Council of Europe member State.

Human Rights	
Outcomes	Indicators
<p><b>1.1. Protecting Human Rights</b></p> <p>European Convention on Human Rights (ECHR) is better invoked and applied by legal professionals and civil society; the Government Agent Office mobilises its enhanced capacity to fulfil its mandate; the authorities adopt and implement the new national Action Plan on Human Rights for 2020-2022 in line with European standards; the judiciary applies the ECHR, European Court of Human Rights (ECtHR) case-law and national case-law in a more harmonised manner; criminal legislation is adopted and implemented in line with European standards; legal professionals, including judges, prosecutors and investigators implement in a harmonised manner the new criminal legislation in line with European standards; pre-trial detention is correctly and proportionally applied in line with ECHR standards; the armed forces apply regulatory and institutional frameworks to better protect and promote human rights; training institutions actively contribute to the protection and promotion of human rights in the armed forces; the profile of female military personnel is raised within the armed forces; military service personnel have better access to justice.</p>	<ul style="list-style-type: none"> <li>• Quality of references to the European Convention on Human Rights (ECHR).</li> <li>• Degree of embedding of ECHR standards in national legislation and level of implementation of European human rights standards.</li> <li>• Extent of transfer of skills and knowledge on ECHR standards by the Government Agent to the relevant national institutions.</li> <li>• Number of discrepancies between the different levels of jurisdiction.</li> <li>• Degree of compliance of criminal legislation with European standards and of implementation.</li> <li>• Extent to which new criminal law is applied by criminal justice stakeholders.</li> <li>• Decrease in pre-trial detention cases in violation of ECHR.</li> <li>• Degree of compliance of regulatory and institutional frameworks with European standards for the protection of human rights in the armed forces and of implementation.</li> <li>• Level of knowledge about human rights in the armed forces and extent of their application by legal professionals and military personnel.</li> <li>• Level of recruitment and promotion of female military personnel and number of male military personnel under their supervision.</li> </ul>

<p><b>1.2. Promoting Human Rights and Dignity</b></p> <p>The Armenian legal and policy framework on preventing and combating domestic violence is in line with Council of Europe standards; women victims of gender-based violence and domestic violence, including the most disadvantaged, have better access to justice and support services; criminal and related legislation is aligned with European standards to prevent and protect against discrimination on all grounds; Relevant independent institutions are in place to efficiently prevent and combat discrimination in line with European standards, in particular European Commission against Racism and Intolerance (ECRI) Standards; the relevant stakeholders mobilise enhanced capacities to improve the prevention of racist, homo/transphobic hate speech and violence, combat these phenomena and prosecute perpetrators; the rights of vulnerable groups are better safeguarded; pre-school education for all minority children, including Yezidi girls, is guaranteed; forced marriages are criminalised; enhanced knowledge and skills of local authorities permit the increased use of minority languages in local administration; Armenia is better prepared for the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention); the prevention and protection of children from all forms of violence, including trafficking in children has improved; the authorities, professionals and the Office of the Human Rights Defender (HRD Office) mobilise their capacities to prevent and protect children from all forms of violence and to provide support for child victims and witnesses; relevant legal texts and law-enforcement practices are brought into line with the principles enshrined in the Convention on Human Rights and Biomedicine (Oviedo Convention); further public awareness and discussion on main challenges to the human rights protection in the biomedicine are fostered; the overall level of human rights in the biomedical field is increased; Armenia is better prepared for future ratification of the Oviedo Convention.</p>	<ul style="list-style-type: none"> <li>• Extent to which national legislation on gender-based violence and domestic violence is in place and implemented in line with European standards.</li> <li>• Degree of access to justice for women victims of violence and quality of the judicial response in cases of gender-based violence.</li> <li>• Degree of compliance of adopted anti-discrimination legislation and institutional frameworks with European standards and respective level of implementation and efficiency.</li> <li>• Decrease in incidences of racist, homo/transphobic violence and hate speech and cases of discrimination on Sexual Orientation and Gender Identity (SOGI) grounds and increase in levels of prosecution and convictions.</li> <li>• Degree of integration of vulnerable groups.</li> <li>• Level of enrolment of minority children, especially Yezidi girls, in the pre-school cycle, incidence of forced marriages, and degree of use of minority languages in local administration.</li> <li>• Degree of compliance of the legal, policy and institutional framework for the prevention and protection of children against all forms of violence, including sexual exploitation and abuse, and trafficking.</li> <li>• Level of knowledge and application by relevant actors, including the Human Rights Defender (HRD), of strategies for the prevention, protection and support of child victims and witnesses.</li> <li>• Extent of incorporation of European standards in national legislation, policy and practice in the field of biomedicine.</li> <li>• Extent of knowledge, level of protection of patients' rights and degree of implementation of ethical obligations by legal and health professionals in the field of biomedicine in line with European standards.</li> </ul>
<p><b>1.3. Ensuring Social Rights</b></p> <p>Legislation and practice aligned with European standards thus improving the implementation of the rights guaranteed by the revised European Social Charter (revised ESC); Armenia is better prepared to accept additional provisions and the collective complaints procedure; the quality of the national reports to the revised ESC has improved; the</p>	<ul style="list-style-type: none"> <li>• Extent to which the relevant legislation is in place or amended in line with European standards on social rights.</li> <li>• Level of progress towards the acceptance of additional provisions and the collective complaints procedure.</li> <li>• Quality of national reports to the revised European Social Charter (revised ESC).</li> </ul>

Office of the Human Rights Defender (HRD Office) contributes to the adequate protection of social human rights in Armenia.	<ul style="list-style-type: none"> <li>• Level and efficiency of the Human Rights Defender's (HRD) interventions in support of social human rights.</li> </ul>
<p><b>Rule of Law</b>  <b>Thematic outcome:</b> Democratic security is strengthened by an enhanced implementation of the existing legislation and European standards, the development of an enabling legal and institutional framework for a democratic society and an improved quality of justice and efficiency in combating corruption.</p>	
<b>Outcomes</b>	
<b>Indicators</b>	
<p><b>2.1. Ensuring Justice</b></p> <p>National legal acts on the judiciary are adopted and implemented in line with Council of Europe standards; the judicial self-governing bodies carry out their work with enhanced transparency and efficiency in line with European standards and good practices; the courts perform and are managed efficiently through the use of European Commission for the Efficiency of Justice (CEPEJ) methodology and tools; equal access to justice is improved in line with the best practices of the Council of Europe member States; the general measures in the relevant judgments of the ECtHR related to article 6 of the Convention are effectively implemented; relevant stakeholders apply arbitration and mediation on a wider scale contributing to enhanced access to justice and to reduction of the case backlog; lawyers fulfil their functions in an independent and professional manner; regulatory and operational frameworks for the provision of health care are adopted and implemented in line with European standards; inmates, including persons with disabilities and other vulnerable groups, enjoy better conditions and provision of health care in prisons; medical independence within the prison system is strengthened; a fully-fledged probation service is operational at national level in line with European standards; probation service staff increase their capacity to carry out their new duties; the police operates in line with European standards as a result of the relevant reforms.</p>	<ul style="list-style-type: none"> <li>• Extent to which legislation on the judiciary is in place and/or amended and implemented in line with European standards.</li> <li>• Quality of the procedures, rules and regulations and management capacities of the judicial self-governing bodies.</li> <li>• Level of introduction and implementation of a unified e-court system, e-bankruptcy and an e-petition website by the judicial self-governing bodies.</li> <li>• Level of implementation of European Commission for the Efficiency of Justice (CEPEJ) tools and methodology in courts' daily work.</li> <li>• Level of application of mediation and arbitration and decrease in the backlog.</li> <li>• Quality of services provided by lawyers and level of satisfaction of clients.</li> <li>• Extent to which regulatory and self-regulatory frameworks are in place and implemented in line with European standards.</li> <li>• Quality of health care provided to inmates.</li> <li>• Extent to which the Penitentiary Medicine Centre is operational.</li> <li>• Level and geographical scope of the operation of the probation service in Armenia.</li> <li>• Quality of services delivered by the Armenian probation service.</li> </ul>
<p><b>2.2. Strengthening the Rule of Law</b></p> <p>Armenia's constitutional justice is brought closer to European standards; data protection legislation is in place and implemented in line with the latest European standards; the Data Protection Authority (DPA) mobilises its enhanced capacity to ensure the implementation of the legislation; professional players mobilise their capacity to implement data protection legislation, in particular regarding electronic, health data, children's data and video surveillance; national legislation, media</p>	<ul style="list-style-type: none"> <li>• Degree of compliance of the country's constitutional justice with European standards.</li> <li>• Level of capacity of the Constitutional Court to deal with constitutional appeals.</li> <li>• Extent to which national legislation is in place and /or amended and implemented in line with international and European data protection standards.</li> <li>• Quality of performance of the Data Protection Authority (DPA) to</li> </ul>

<p>regulation and practice are in compliance with European standards regarding freedom of expression, including on the internet, media pluralism and public broadcasting; journalists perform their functions in an improved professional, responsible and ethical manner; journalists perform their functions within a safe environment; the media cover elections in line with international standards for democratic elections; an increased proportion of Council of Europe recommendations on internet governance are implemented.</p>	<ul style="list-style-type: none"> <li>ensure the implementation of the legislation.</li> <li>Extent to which national legislation on media regulation and practice are in place and/or amended in compliance with European standards regarding freedom of expression including on the internet, media pluralism and public broadcasting.</li> <li>Level of alerts submitted to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists and of convictions for crimes against journalists.</li> <li>Quality of training delivered and application of a code of ethics for journalists in line with European standards.</li> <li>Extent to which media coverage of the elections is implemented in line with European standards for democratic elections.</li> <li>Level of implementation of Council of Europe recommendations on Internet governance.</li> </ul>
<p><b>2.3. Countering Threats to the Rule of Law</b></p> <p>Legislative, policy and institutional frameworks for combating corruption though independent and efficient anti-corruption bodies are in place; enhanced systems for declaring assets and conflicts of interest for all levels of public officials are in place and implemented; effective measures on prevention and detection of money laundering/terrorist financing are introduced; strengthened institutional asset recovery mechanisms are in place and implemented; an increase in the effective investigation, prosecution, and adjudication of corruption-related crimes and offences is noted; the national legislation on cybercrime – both substantive and procedural - is in line with the Convention on Cybercrime (Budapest Convention); a national Strategy and Action Plan regarding the criminal justice response to cybercrime and electronic evidence is adopted; cybercrime units and criminal justice institutions mobilise their capacity to improve the prevention of and fight against cybercrime and to access electronic evidence in domestic investigations and through international co-operation; interagency co-operation and exchange of data relevant for cybercrime investigations is improved; a culture of co-operation with Internet service providers improved through legal basis for co-operation (with focus on procedural powers and safeguards) and revised/expanded co-operation agreements;</p>	<ul style="list-style-type: none"> <li>Extent to which legal, policy and institutional frameworks to combat corruption are in place and implemented in line with European standards.</li> <li>Degree of compliance of assets and conflict of interest declaration systems with European standards and practices.</li> <li>Level and quality of assets and conflict of interest declarations;</li> <li>Level of assets recovery in line with European standards.</li> <li>Level of increase in the effective investigation, prosecution and adjudication of corruption-related cases.</li> <li>Level of implementation of integrity mechanism in higher education.</li> <li>Extent to which legal, policy and institutional frameworks to fight cybercrime are in place and implemented in line with European standards.</li> <li>Increased level of international co-operation in criminal matters in connection with the fight against cybercrime.</li> <li>Increased capacities of cybercrime authorities to prevent and combat cybercrime through interagency co-operation;</li> <li>Improved level of co-operation with national and multinational service providers.</li> </ul>

**Democracy**  
**Thematic outcome:** The democratisation of society is fostered through electoral integrity, strengthened local democracy and increased participation of young people in the democratic process.

Outcomes	Indicators
<p><b>3.1. Strengthening Democratic Governance and Fostering Innovation</b></p> <p>Electoral legislation and practice is in line with European standards; public trust in the electoral process is increased; the legislative and institutional framework in respect of local democracy and revised financial equalisation are in line with European standards; local authorities mobilise their enhanced capacity to develop and strengthen their institutional structures for improved service delivery; local authorities mobilise their enhanced capacity to adopt and implement strategies for citizen participation in policy decision-making; local authorities are duly consulted by higher level of government through their national associations on matters which concern them directly; local authorities are transparent, accountable and ethical and foster open government and citizen control over decision-making.</p>	<ul style="list-style-type: none"> <li>• Extent of incorporation of European standards in electoral legislation and practice.</li> <li>• Level of confidence in the electoral process.</li> <li>• Extent to which the legislative and institutional framework of local democracy and revised financial equalisation are in line with European standards.</li> <li>• Level of implementation of tools and competences in local institutional structures.</li> <li>• Extent to which mechanisms for citizens' participation in local decision-making are in place and implemented.</li> <li>• Level and quality of consultations between local authorities, their associations and national authorities.</li> <li>• Quality and level of implementation of integrity policy, strategies and measures for local governance.</li> </ul>
<p><b>3.2. Promoting Participation and Diversity</b></p> <p>The institutional framework for ensuring integrity and combating corruption in higher education is further developed and effectively implemented; major stakeholders in the field of higher education recognise corruption related risks and promote actions to enhance integrity; national policy and practices regarding youth, especially young people from rural areas, are aligned with European standards and best practices, including those on gender equality; young people learn and practice human rights education and democratic citizenship in youth organisations and youth work activities.</p>	<ul style="list-style-type: none"> <li>• Extent of incorporation of European standards in national policy and practice towards youth, notably Committee of Ministers of the Council of Europe (CM) recommendations pertinent to youth policy and youth work.</li> <li>• Availability and use of Council of Europe resources and standards for human rights education and democratic citizenship by youth organisations.</li> </ul>



**APPENDIX II: RISK REGISTER**

Risk description	Mitigation actions
<b>Political related risk</b>	
<p>Best case scenario- reconciled government and parliamentary majority, civil society constructively engages with government:</p> <ul style="list-style-type: none"> <li>• consensus on reform is established over a broad political spectrum;</li> <li>• reforms are effectively implemented and widely supported by citizens;</li> <li>• empowerment of women and vulnerable groups.</li> </ul>	<p>Extended capacity-building activities, especially for the partners promoting Council of Europe standards.</p> <p>Stronger support to the Armenian institutions and other partners. Increased awareness-raising about the Council of Europe's involvement in the reform process.</p>
<p>Worst case scenario- political instability owing to divergence between the ruling party and parliamentary opposition, pressing demands and high expectations of society:</p> <ul style="list-style-type: none"> <li>• partial implementation of reforms and opposition to their implementation by parliamentary groups;</li> <li>• insufficient understanding of on-going reforms;</li> <li>• social pressure to swiftly deliver on reforms.</li> </ul>	<p>Support respective authorities to ensure compliance of legislative and regulatory frameworks with the standards of the Council of Europe.</p> <p>Build capacity of institutions to implement these standards, enhance the population's awareness regarding these standards.</p> <p>Raise awareness of institutional partners who promote standards of the Organisation within the population and parliamentary groups.</p> <p>Facilitate contacts and co-operation between supporters of the reforms within the different branches of power and within civil society.</p> <p>Support the government's efforts to raise the population's awareness regarding the pace of the reforms.</p>
<p>Worst case scenario- confidence in the political systems diminishes as a result of a failed electoral process, political instability deriving from further fragmentation of power as a result of the elections:</p> <ul style="list-style-type: none"> <li>• increased political polarisation;</li> <li>• reform process slows down or comes to a standstill;</li> <li>• worsened social situation, especially for women and vulnerable groups.</li> </ul>	<p>Awareness-raising among target groups to sensitise them as to the importance of applying the standards of the Organisation.</p> <p>Promote dialogue between the authorities, the parliamentary groups and civil society on application of the standards.</p> <p>Focus on anti-discrimination.</p> <p>Discuss mitigation strategies with international partners (EU in particular).</p>
<b>Project/programme delivery related risks</b>	
<p>Lack of sufficient funding for implementation of the Action Plan.</p>	<p>Increase resource mobilisation efforts in a co-ordinated manner within the country and from headquarters.</p> <p>Allocate funding for programmes which have strong potential for synergy with each other, scheduling available resources in the most effective manner.</p> <p>Continue to address feedback from partners and donors to improve project design, implementation, results-based monitoring, and reporting practices, so</p>

	as to attract and maintain donors.
Lack of effective co-ordination mechanisms with national and international partners with a view to avoiding overlaps and ensuring synergies among programmes.	Increase the number of joint activities with international partners with whom co-ordination of plans is already achieved and in order to strengthen a common message, achieve economic efficiency and increase acceptance of the reforms.
Problems in identification of Non-governmental organisations (NGOs) as partners which lead to delays in implementation of activities.	Additional consultations with the national stakeholders could be held to address this risk. Transparent selection process of NGO partners, involvement of authorities in all stages should help build confidence and secure effective implementation.
National procurement process is a lengthy and cumbersome process causing delay in the implementation of the projects.	Prior assessment of the national capacities will be undertaken to ensure that the procurement procedures can be implemented within the agreed timeframe. Safeguards should be in place in case the national procurement process fails to meet the timeframe. Explore the possibility of having the Council of Europe undertake the procurement.

## APPENDIX III: FINANCIAL TABLE

(amounts in euros)

Sectors	AP budget	Funded OB	Funded EU	Funded VC	Total funds secured	Unfunded
<b>Human rights</b>	<b>6 703 667</b>	<b>10 000</b>	<b>0</b>	<b>90 000</b>	<b>100 000</b>	<b>6 603 667</b>
1. Protecting Human Rights	3 550 000	10 000	0	90 000	100 000	3 450 000
2. Promoting Human Rights and Dignity	2 212 000	0	0	0	0	2 212 000
3. Ensuring Social Rights	700 000	0	0	0	0	700 000
Regional PGG	241 667	0	0	0	0	241 667
<b>Rule of Law</b>	<b>6 949 000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6 949 000</b>
1. Ensuring justice	4 024 000	0	0	0	0	4 024 000
2. Strengthening the Rule of Law	1 150 000	0	0	0	0	1 150 000
3. Countering Threats to the Rule of Law	850 000	0	0	0	0	850 000
Regional PGG	925 000	0	0	0	0	925 000
<b>Democracy</b>	<b>4 450 000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4 450 000</b>
1. Strengthening Democratic Governance and Fostering Innovation	3 400 000	0	0	0	0	3 400 000
2. Promoting participation and diversity	1 050 000	0	0	0	0	1 050 000
Regional PGG	0	0	0	0	0	0
General management costs	797 333			0	0	797 333
<b>TOTAL</b>	<b>18 900 000</b>	<b>10 000</b>	<b>0</b>	<b>90 000</b>	<b>100 000</b>	<b>18 800 000</b>

## APPENDIX IV: SOURCES/RELEVANT DOCUMENTS

### Council of Europe documents

#### 1. European Court of Human Rights (ECtHR)

- [European Court of Human Rights' case-law in relation to Armenia.](#)

#### 2. Technical co-operation with Armenia

- [Action Plan for Armenia 2012-2014.](#)
- [Progress Review Report Action Plan 2012-2014.](#)
- [Final Report Action Plan 2012-2014.](#)
- [Action Plan for Armenia 2015-2018.](#)
- [Progress Review Report Action Plan for Armenia 2015-2018.](#)

#### 3. Secretary General of the Council of Europe

- Reports by the Secretary General of the Council of Europe State of Democracy, Human Rights and the Rule of Law in Europe for the years [2014](#), [2015](#), [2016](#), [2017](#) and [2018](#).

#### 4. Committee of Ministers of the Council of Europe (CM)

- [Resolution CM/ResCMN\(2018\)5 on the Implementation of the Framework Convention for the Protection of National Minorities by Armenia.](#)
- [Recommendation CM/RecChL\(2017\)2 on the Application of the European Charter for Regional or Minority Languages by Armenia.](#)
- [Recommendation CM/Rec \(2010\)4 on Human Rights of Members of the Armed Forces.](#)
- [Recommendation CM/Rec \(2018\)4 related to the Democratic Participation, Institutional Capacity and Local Finance.](#)
- [Recommendation CM/Rec \(2000\)21 on the Freedom of Exercise of the Profession of Lawyer.](#)

#### 5. Parliamentary Assembly of the Council of Europe (PACE)

- PACE [Resolutions on the Functioning of Democratic Institutions in Armenia.](#)
- PACE [Report on Election Observation of the Parliamentary Elections of 2 April 2017.](#)
- PACE [Resolution 2077 \(2015\) on Abuse of Pre-trial Detention in States Parties to the European Convention on Human Rights.](#)

#### 6. Commissioner for Human Rights of the Council of Europe (the Commissioner)

- [Country Monitoring Report \(2011\)](#), [Country Monitoring Report \(2015\)](#).

#### 7. Congress of Local and Regional Authorities of the Council of Europe (the Congress)

- [European Charter of Local Self-Government](#); and [its Additional Protocol on Civil Participation in Local Public Affairs.](#)
- [Recommendation 351\(2014\) on Local Democracy in Armenia.](#)

#### 8. Council of Europe Monitoring and expert advisory bodies

- [European Commission against Racism and Intolerance \(ECRI\) Report on Armenia \(fourth monitoring cycle\), adopted in June 2016.](#)
- [Advisory Committee on the Framework Convention for the Protection of National Minorities, Fourth Opinion on Armenia adopted on 26 May 2016.](#)
- [European Charter for Regional or Minority Languages \(ECRML\) \(fourth report\) by Armenia](#)
- [Conclusions of the European Committee of Social Rights \(ESCR\) in respect of Armenia](#)
- [European Commission for the Prevention of Torture \(CPT\) Report on its Visit to Armenia in October 2015](#)
- Group of States against Corruption (GRECO) Recommendation from the Joint First and Second Evaluation Round
- [GRECO Recommendations from the Fourth Evaluation on Corruption Prevention in Respect of Members of the Parliament, Judges and Prosecutors and Compliance Report by Armenia.](#)

- European Commission for the Democracy through Law (Venice Commission) [on the draft Judicial Code adopted at its 112<sup>th</sup> plenary session](#)
- [Venice Commission on the draft Constitutional Law on the Constitutional Court](#)
- Venice Commission [Joint Opinion on the Draft Electoral Code](#) and [Second Joint Opinion on the Electoral Code](#); [Joint Opinion on the Draft Law Constitutional Law on Political Parties](#); [Joint Opinion on the Draft Law on Referendum](#)

#### **9. Guidelines**

- [Guidelines on gender mainstreaming in Council of Europe's co-operation activities](#);
- [Guidelines on civil society organisations participation in Council of Europe's co-operation activities](#);
- [Guidelines for civil participation in political decision-making](#)

#### **10. National policy documents**

- [The Government Program of the Republic of Armenia](#)
- [The Comprehensive and Enhanced Partnership Agreement signed between Armenia and the European Union on 24 November 2017](#)
- [2014-2025 Territorial Development Strategy](#)
- [Strategy for Legal and Judicial reform 2018-2023](#), not yet adopted by the Government.
- Draft Roadmap on Decentralisation





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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

